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House Journal

OF THE

**MONTANA LEGISLATIVE COUNCIL
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SIXTEENTH SESSION

OF THE

LEGISLATIVE ASSEMBLY

OF THE

TERRITORY OF MONTANA.

Begun at Helena, the capital of said Territory, on the 17th day of January,
1889, and concluded on the 14th day of
March, A. D. 1889.

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HELENA, - MONTANA.

1889

MEMBERS OF THE SIXTEENTH LEGISLATIVE ASSEMBLY.

HOUSE OF REPRESENTATIVES.

Names of Members	Counties Represented.	Postoffices.
Mantle, Lee, Speaker.....	Silver Bow.....	Butte
Blakely, C. P.	Gallatin.....	Bozeman
Carver, Geo. H.....	Park.....	Livingston
Comfort, J. R.....	Madison.....	Twin Bridges
Congdon, E.....	Silver Bow.....	Butte
Davis, Joseph.....	Lewis and Clarke.....	Helena
Flowers, W. D.....	Gallatin.....	Moreland
Garrett, E. C.....	Choteau and Cascade.....	Choteau
Gillett, Warren C.....	Lewis and Clarke.....	Helena
Haskell, Henri J.....	Dawson.....	Glendive
Hunt, Wm. H.....	Lewis and Clarke and Jefferson.....	Helena
Johnson, E. H.....	Custer.....	Miles City
Jones, G. T.....	Missoula.....	Corvallis
Joslyn, C. D.....	Deer Lodge.....	Deer Lodge
Moore, Clinton H.....	Deer Lodge.....	Pyrenes
Murray, S. G.....	Missoula.....	Missoula
Pickman, H. D.....	Beaverhead.....	Dillon
Rea, Loring B.....	Custer.....	Miles City
Roberts, W. H.....	Silver Bow.....	Butte
Saxton, J. E.....	Meagher.....	White Sulphur Springs
Swiggett, S. A.....	Jefferson.....	Wickes
Waite, J. D.....	Fergus.....	Utica
Whitney, F. S.....	Yellowstone.....	Junction
Willis, Ozias.....	Beaverhead and Madison.....	Willis

SUBORDINATE OFFICERS.

Benj. Webster.....	Chief Clerk
H. D. Arkwright.....	Enr. and Eng. Clerk
O. Lund.....	Sergt. at Arms

COUNCIL.

Names of Members.	Counties Represented.	Postoffices.
Cole, C. K. President.....	Lewis and Clarke.....	Helena
Brown, Lawrence A.....	Beaverhead.....	Dillon
Bickford, Walter M.....	Missoula.....	Missoula
Conrad, W. A.....	Dawson and Yellowstone.....	Billings
Collins, Jerry.....	Choteau and Cascade.....	Great Falls
Hoffman, C. W.....	Gallatin and Meagher.....	Bozeman
Hatch, George M.....	Fergus and Park.....	Big Timber
Kennedy, Will.....	Jefferson.....	Boulder
Middleton, C. R.....	Custer.....	Miles City
Olds, L. B.....	Madison.....	Virginia City
Thompson, William M.....	Deer Lodge.....	Deer Lodge
Thompson, William.....	Silver Bow.....	Butte

SUBORDINATE OFFICERS.

Jno R. Eardley.....	Chief Clerk
Fred. Gilbert.....	Enr. and Eng. Clerk
L. F. Wyman.....	Sergt. at Arms

Joslyn, C. D., Deer Lodge, Deer Lodge county.
 Mantle, Lee, Butte, Silver Bow county.
 Moore, Clinton H., Pyrenees, Deer Lodge county.
 Murray, S. G., Missoula, Missoula county.
 Pickman, H. D., Dillon, Beaverhead county.
 Rea, Loring B., Miles City, Custer county.
 Roberts, W. H., Butte, Silver Bow county.
 Saxton, J. E. White Sulphur Springs, Meagher county.
 Swiggett, S. A., Wickes, Jefferson county.
 Waite, J. D., Utica, Fergus county.
 Willis, Ozias, Willis, Beaverhead and Madison county.

Judge T. C. Bach, Associate Justice of Montana, appeared and administered the following oath which was subscribed to by the members present.

UNITED STATES OF AMERICA, }
 TERRITORY OF MONTANA. } ss.

I do solemnly swear that I will support, protect and defend the Constitution of the United States and the organic act of the territory of Montana, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed or promised to pay or contribute, either directly or indirectly any money or other valuable thing, to procure my nomination or election, except for necessary and proper expenses expressly authorized by law; that I have not knowingly violated any election law of this territory, or procured it to be done by others in my behalf; that I will not knowingly receive, directly or indirectly any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office, other than the compensation allowed by law.

On motion of Davis, of Lewis and Clarke, S. G. Murray, of Missoula, was elected temporary speaker.

On motion of C. H. Moore, of Deer Lodge, J. D. Waite was elected temporary chief clerk.

The House then proceeded to permanent organization. Hunt, of Lewis and Clarke, placed in nomination for the office of permanent speaker, Lee Mantle, of Silver Bow County, seconded by Moore, of Deer Lodge.

On motion of Hunt, the temporary chief clerk, cast the vote of the house for Lee Mantle, and he was declared by the chair as elected permanent speaker of the house of representatives of the sixteenth legislative assembly of the territory of Montana.

Messrs. Davis and Jones conducted the newly-elected speaker to the chair.

Murray, of Missoula, placed the name of Benjamin Webster in nomination for chief clerk, and the temporary chief clerk was instructed to cast the vote of the house. Benjamin Webster was declared elected permanent chief clerk.

On motion of Roberts, of Silver Bow, the name of H. D. Arkwright was placed in nomination for enrolling and engrossing clerk, and the temporary chief clerk was instructed to cast the vote of the house for Mr. Arkwright, and he was declared duly elected enrolling and engrossing clerk.

Messrs. Congdon and Rea were appointed tellers by the chair.

Mr. Davis, of Lewis and Clarke, placed the name of O. Lund in nomination for sergeant-at-arms, and the temporary chief clerk was instructed to cast the vote of the house. Mr. O. Lund was declared elected sergeant-at-arms.

The name of A. B. Davis was placed in nomination by Comfort for watchman, and the temporary chief clerk was instructed to cast the vote of the house. Mr. Davis was declared duly elected watchman.

Mr. Swiggett placed the name of Defoe Merriman in nomination for messenger, and the temporary chief clerk was instructed to cast the vote of the house. Master Defoe Merriman was declared elected messenger.

The following named gentlemen were placed in nomination for chaplain:

By Davis—Rev. A. D. Raleigh.

By Swiggett—Rev. C. B. Allen, Jr.

The ballot resulted as follows:

Mr. Raleigh received ten votes, Mr. Allen received 13 votes.

Mr. Allen was declared elected chaplain.

A committee of the council consisting of Kennedy and Collins appeared at the bar of the house announcing that the council had been organized by the election of the following officers, to wit:

President of the council, Hon. C. K. Cole of Lewis and Clarke county.

Chief clerk, Mr. John R. Eardley of Deer Lodge county.

Enrolling and engrossing clerk, Mr. Frederick Gilbert of Missoula county.

Sergeant-at-arms, Mr. L. F. Wyman of Silver Bow county.

Chaplain, Mr. F. T. Webb of Lewis and Clarke county.

Watchman, Mr. Geo. W. Scott of Jefferson county.

Page, Master Eugène S. Dickerson of Lewis and Clarke county.

The same committee further announced that they had been appointed by the council to act with a like committee of the house to wait upon his excellency, the governor, and inform him that the sixteenth legislative assembly was sworn, organized and ready to receive any communication he might have to make.

On motion of Murray, the rules and order of business of the fifteenth legislative assembly were adopted for the temporary government of the house.

On motion of Mr. Moore the following resolution was adopted.

Resolved: That the thanks of the legislative body be extended to the Hon. James Sullivan and Hon Judge T. C. Bach for their favor conferred.

On motion of Hunt a recess of five minutes was taken.

House resumed, Mr. Speaker in the chair.

On motion of Hunt, the following resolutions were adopted.

Resolved: That the report of the council relative to permanent organization be filed and that a committee of three from this house be appointed by the chair to notify the council of the permanent organization of the house and to act with the council committee in notifying his excellency, the Governor of Montana territory, that the sixteenth legislative assembly is organized permanently for business, and to respectfully ask him to designate at what hour on tomorrow, the fifteenth day of January, he may be ready to communicate with the two houses assembled in joint session.

In pursuance of the above resolution the chair appointed Hunt, Moore, and Johnson to act in conjunction with the council committee and to inform the council of the permanent organization of the house.

On motion of Murray the chair appointed as a committee on rules and joint rules Messrs. Murray, Haskell, Pickman, Carver and Saxton.

On motion of Joslyn a committee consisting of Joslyn, Rea, Pickman, Comfort and Flowers were appointed a committee of mileage.

Joint committee appointed to wait upon his excellency, the governor, and the council made the following report, viz.:

Mr. Speaker: Your committee to notify the council of the permanent organization of the house and to act in conjunction with a council committee to notify the governor of the organization of the legislature report that we have notified the council,

and with their committee waited upon his excellency, and that he designated the hour of 11 o'clock a. m. tomorrow, January 15, 1889, when he would be pleased to communicate with both branches of the legislature jointly assembled in the hall of the house.

WM. H. HUNT, Chairman of the House Committee.

WILL KENNEDY, Chairman of the Council Committee.

On motion of Davis the report was adopted and committee discharged.

On motion of Davis the house adjourned until 11 o'clock a. m. tomorrow.

BENJAMIN WEBSTER, Chief Clerk.

SECOND DAY.

HOUSE OF REPRESENTATIVES,
January 15th, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll call—quorum present.

Prayer by the chaplain.

Journal of first day read and approved.

On motion of Murray a recess was taken until five minutes of eleven o'clock a. m, when the house resumed.

The presence of the council being announced the president of the council was introduced by the speaker and both houses went into joint session at 11 o'clock a. m., president of the council in the chair.

The chief clerk of the council called the roll of the council—quorum present.

The chief clerk of the house called the roll of the house—all members present.

Garrett of the house offered the following resolution:

Resolved: that a joint committee to consist of two from the council and three from the house, be appointed by the chair to notify his excellency, Governor Leslie, that the two houses are now convened in joint session and ready to receive any communications he may have to make and to escort him to the hall of this house.

On motion of Joslyn of the house the resolution was adopted.

In pursuance of the resolution adopted the president appointed as such committee Messrs. Olds and Middleton of the council, Messrs. Haskell, Comfort and Blakely of the house. The committee waited upon his excellency and escorted him to the president's desk, who presented his excellency to the members of the joint convention. His excellency then proceeded to deliver the following message:

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
HELENA, January 14, 1889.

To the honorable members of the council and house of legislature of Montana:

It becomes my official position to welcome you to the responsible duties the electors of Montana have placed in your hands, and to assist you in the discharge of those duties for the public good. Trusting in your fidelity, they have called you to legislate for the good of this great and prosperous territory. At this crisis in our history, when we expect soon to assume the dignity and responsibilities of statehood, your position becomes more responsible and more honored than any of your predecessors; in no small degree your labors may aid in laying broad and deep the foundations of the coming commonwealth of Montana. Spanning nearly five degrees of latitude and twelve of longitude, interspersed by vast mountain chains, Montana will serve as the connecting link between the Pacific and the central states, with the Atlantic states so closely allied making one indestructible union. Our mountains veined with gold and silver and the more useful metals, our placers filled with gold, and wide prairies covered with grasses, are fast giving us individual and public wealth. To secure the greatest prosperity in these vast industries will require your best thought and ripest statesmanship. Industries so varied and so extensive, over broad areas, require laws to be most carefully adjusted and compromises skillfully made for all these wants and necessities. In discharging these grave responsibilities, I shall most cheerfully co-operate with you to secure the best results of our united labors in behalf of Montana.

The financial condition of this territorial government is sound and healthy. At the close of the last fiscal year—31st day of December, 1888—the territory was out of debt, and there was in the treasury one hundred and fourteen thousand three hundred and forty dollars, and forty-eight cents (\$114,340.48) balance of the general fund in cash; four thousand nine hundred and thirty-nine dollars and six cents (\$4,939.06) balance of the stock inspection and detective fund; nine thousand and eighty-six dollars and sixty-four cents (\$9,086.64) balance of the stock indemnity fund; and one thousand eight hundred and sixteen dollars

and fifty-eight cents (\$1,816.58) balance of sheep inspector and indemnity fund. Every citizen of Montana must feel proud of this healthy condition of the government. The auditor's and treasurer's reports for the year just ended will be laid before you for your examination and action thereon.

There is hardly a people anywhere who pay more cheerfully and promptly their taxes. Nevertheless, it is a solemn duty upon you, and I urge that you make such enactments as will secure the assessment for taxation all taxable property of the territory. Not that the government needs more money, but in order that the burdens of government may rest more equally upon the people. If you will make such laws as to certainly secure the assessment of all the property (which by law is taxable) the people's taxes may be reduced one-half, and the same amount or more money collected. Equality and uniformity in the taxation imposed upon a people are always desirable, and held to be a feature of justice in the government. If you will take the pains to study the assessed values fixed upon the same class of property in different parts of this territory there will be seen such a glaring difference as to shock all sense of fairness and every principle of justice. The only remedy for this, in the legislation of Montana, is that there be enacted a law creating a board of equalization, after the fashion of other and older governments, and vest that tribunal with the power to revise, harmonize and equalize the values for assessable purposes all over the territory.

• In entering upon the duties of legislation for your constituency you are confronted with the laws of Montana which provide, as one of the means of raising revenue to carry on the government, that persons may buy for a price from the government, the privilege of carrying on a business of gambling, selling whisky and other intoxicating drinks. When these privileges, or any of them, are bought, and a license is issued, the purchaser can proceed anywhere, and on every day, including Sunday, of the time for which he has purchased the privilege, to openly and publicly push his licensed business. It is a well known fact that each of these avocations is prosecuted with great persistence all over this prosperous country. Each business is gathering every day from the ranks of innocent, unsuspecting youth, and from contented households, recruits for the penitentiary and the hangman's trap. The fruits resulting from the conduct of these avocations are saturated with the tears of sorrow, crime and taxation. No joy, peace or happiness to man or woman, no improvement to the heart or intellect ever comes from these engines so full of consuming fire. I submit to you whether your constituencies are willing any longer for these licensed unscrupulous crime-breeder to add his drafts upon the pockets of the people, feed upon the scant substance of the widow and

orphan, and have for his drink the tears of the innocent? The policy of raising revenue for the support of government by corrupting the morals of the people is not sound, and should be abandoned. But if your sense of duty to the people and to the God of your being lead you to acquiesce in and continue this system, I urge that you provide for the taxation of each and every branch and phase of gambling and liquor traffic, so there may be a show of fairness toward all classes of persons engaged in those *lawful* business pursuits of life. There is a large number of persons in Montana whose good citizenship and business should be protected against the presence of these evils. Men embark in enterprises, aggregating their capital in opening mines for gold, copper, silver and coal, opening great ditches and many other classes of business, necessitating a large force of men. They build churches and school houses, and multitudes of people gather there for counsel and instruction. Without any comment upon what has occasionally occurred heretofore with reference to the vigilance of those engaged in the two notable callings spoken of, I recommend that you pass laws more far-reaching, and effectually protecting the churches and schools and the business points of the people against the presence, smell and temptation of these vices which camp about the doorways of gathering industry and enterprise in this territory.

DERELICTION OF OFFICERS.

The system of conducting this government is wisely arranged in the lodgment of very much power in the hands of its public officers, imposing upon them the duty of making reports at certain specified times to the chief officer at head of their respective departments. This requirement is made with the view that the affairs and condition of the government may be readily seen and made known. It is a provoking fact, I am sorry to say, that a large number of officials in the counties disregard the law in this respect, and many of the most important reports are withheld until public servants are pleased to make them. The completion of the reports of the territorial officers was delayed until late in December, 1888, and late in January the year preceding, all because of the neglect of county officers in making their reports as required to do by law. This evil had become so annoying and hurtful to public interests that thirteen years ago the governor felt it to be his duty to mention the subject in his message to the legislative assembly. I now again bring it before you and urge upon you that you are not only the representatives of the office holder, but of the whole people, and the public interest is suffering on account of these derelictions of duty. The interest that the people have in the offices is that the officer placed in charge shall fill and perform the duties assigned him. The interest of

your constituency demands that you institute and enact some provision, or summary punishment, and provide for its enforcement against delinquent officials.

SUNDAY LAW.

In the message of Gov. B. F. Potts, dated January 3, 1876, to the legislative assembly of Montana, the following language appears: "I cannot too strongly urge the enactment of a law prohibiting rioting, sporting, quarreling and engaging in common labor work (work of necessity and charity excepted) on the first day of the week, commonly called Sunday, exempting from its provisions those of our citizens who religiously observe the seventh day of the week as a day of rest. This is the third time I have urged this subject on the attention of the legislature, and I have now more confidence in the wisdom and justice of the recommendation than at any time before. I hope the subject will be urged upon the attention of every legislature that assembles in Montana until it is enacted into a law." I reproduce this sentence uttered by that grand statesman as part of his counsel to the people of the territory he loved so well, and to whose service and welfare he so faithfully and ably devoted so many years. They are words full of wisdom, ringing out from the grave of a patriot and statesman. I delight to hold out before your eyes and repeat for your hearing the hope he therein expressed "that this subject be urged upon the attention of every legislature that assembles in Montana until it is enacted into a law." The necessity for such a law is now in Montana more urgent and pressing than ever before. I need not point to the shocking and impious open gambling houses, the open doors of saloons and traffic publicly carried on; nor to the open business houses and shops of all kinds, and the business generally carried on upon this day, so much revered and honored by so many of our good people. There is no state in this grand empire of states but whose people have just the law so earnestly urged by that noble governor in his message. We have now in this youthful, growing government at least thirty, and perhaps forty, thousand children, already pushing their way along the path of life, and in almost every city, town, village and neighborhood there are church houses, church bells, Sunday-schools and a preached gospel; and, in addition, these same cities, towns and country places are filled with the music of the school-room, and large revenues are paid by the people for education; in fact, Montana's jewels are her children, and yet there is set about in the neighborhood of every school house, church building and congregation of worshipers of Almighty God these hatch-houses of crime on the Christian Sabbath day. I do most earnestly urge you to give heed to this subject, and place this rising government side by side with the

other governments in this country founded on Christian principles, and in your enactments show to the world that this is a God-respecting people.

EXPERT EXAMINERS.

This territorial government is a great copartnership in which every person residing in Montana has an interest, and like all other business enterprises is carried forward through agencies, selected for their capacity and fitness for the particular place to be filled. The public officers, including those of the counties, cities and towns, are agencies provided by law as one of the means for successfully carrying on this important business of government. The place called office, committed to the possession and occupancy of the agent, is full of importance to every citizen. That importance consists in part in the fidelity, promptness and integrity with which the officer executes and performs the duties enjoined by law. There is the greatest necessity to the public, and often more to the individual, that these agents perform their official pledges, in manner, time and place as provided and directed by law. The history of office-holding in almost every government in America and other lands is full of sad warnings, which call for the utmost vigilance and supervising care by the people. It has been found by experience in the older countries, as likewise in the United States, that frequent looking into accounts and the conduct of public officers is a most valuable supplement to the bond and security which are given upon entering into office, and is the most unfailing security against defalcation and disgrace. The government of the United States has provided by law for expert examiners for every department of the government, and nearly all, if not all, of the states have made like provisions with reference to their officials. This system of oversight upon public agents has gained more favor as it has been applied and put in practical operation. And today all over England, France and America, and in every state of this family of states, this detective, ever-present, examining oversight by the government is accepted and relied upon as the most unquestionable barrier to fraud and failure of any that has ever been adopted. Without any reference to the conduct and efficiency of any of Montana's officers in their service heretofore, I do most earnestly urge upon you to pass a law, carefully guarded, providing for, at least, one expert examiner for this government, and impose upon him the duty of searching into the official accounts and proceedings of the public officers of this territory at irregular times, especially those receiving public money. Your own thoughtful wisdom will suggest the details of such a measure, necessary to meet the wants of the people in this regard.

EDUCATION.

All men are born into this world calling for three great wants, to-wit: culture, knowledge and something to explain to them all they see around them, and also their own nature, condition and destiny. In civilized times and in a Christian land the means of finding an answer to these wants were to be supplied to the young by parental care, public provision or Christian benevolence. All three of these modes of instruction are employed and relied upon in every civil government throughout North America. Public provision by the government for the education and culture of its children adorns the pages of the history of each of the states. Public provision for universal education is now a cardinal principle in the government of this country. In the early years of Montana's assuming to take upon herself some form of government, the people laid the foundation for a system of public schools, which has grown with the years of this population, and has improved and strengthened as experience and more light have been unfolding. The history of education in Montana is the history of a people showing pluck and liberality far surpassing any in the United States in the progress and holding up of public schools. The school fund at the command of this association of people, called the government of Montana, is the taxes collected every year from the people, and this fund pays over twenty dollars towards educating each child. I am glad to learn that the people are reaching out anxiously for the most approved methods of school work, and for employment of the most cultured teachers. They have more regard with reference to the chance and certainty of thorough and skillful instructors than the question of cost. Our people are imbued with the spirit and sentiment that the strength and safety of the country is the virtue and intelligence of the youth. They are the flower of the country—the rising hope of the church and society. Preserve them uncorrupted through the channels of training to the years of putting on manhood, then they come forward with enlightened minds and good morals to take their places on the stage of life. The foundations of social order and happiness will be secure, and no weapon raised against the safety of the commonwealth can excite alarm. All wise and benevolent men, whether statesmen, philanthropists or ministers of religion, have always felt a deep and peculiar interest in the youth of the country, and in all their attempts to produce reformation and advance human happiness the young have engaged their first and chief regard. This spirit of tender thoughtfulness and care is in full accord with the teaching that comes to us, endorsed by the greatest of all law-givers. Hardly any one trait of the Bible is more prominent than its benevolent concern for the youthful generations of men. On them its instructions drop as the rain, and distil as the dew; around their path it pours the purest light and

sweetest promises, and by every motive of kindness and entreaty, of invitation and warning, aims to form them for duty and happiness, for holiness and for God. It devolves upon you, the representatives of this wide-awake and liberal people, to respond with no hesitating or temporizing spirit to the clamoring voice of the people for higher recognition of this great and sacred department of our government. The reports of our able superintendent of public instruction for the years 1887 and 1888 will be laid before you. These reports and the wise suggestions and recommendations therein contained I heartily commend to your careful perusal and action.

The chief factors in the enlightenment and awakening of the people to the calls and friendly offerings of this system of public schools is the thorough acquaintanceship and familiar mingling and discussion with them of the subject by the trusted head officer placed in charge of the department. His frequent presence in council with the people, trustees, teachers and county superintendents quickens into active force the spirit of emulation and progress, and accomplishes uniformity in every part of the territory in conducting the schools.

The people of the territory are far in advance of the provisions of the present law on the subject of education. Every well arranged government has its department of education, as well as its department of justice, agriculture, mechanics, etc. Education is as absolutely a department of the government of Montana as is the finance, the judicial or any other; and certainly there is no department having a warmer place in the hearts of the people. The compensation provided by law for carrying on and sustaining this department is glaringly disproportionate to every other one in the government. This would seem to imply that the educational department has a far less degree of favor with the people than the other divisions and departments of the government. I do not believe such to be the estimate in which this subject is held. The meager sums provided by law to pay the superintendent of public instruction may possibly have been sufficient under the state of things years ago, but now in the advanced progress of settlements all over the territory and increase of school children, a far greater, broader and higher demand comes to that office. The interest of the people paying such large amounts of money for the culture and advancement of the children needs to have a thoroughly competent man at the head of the department, and that he shall devote his entire time to the overlooking and applying these benefits to the children in every neighborhood throughout the territory. There should be an office provided for his headquarters, his records, etc., at the capital, and a clerk. I recommend that you hasten before you shall

adjourn to attend to these wants of the people in this regard, and thus vitalize and give new motion to this great cause of the people.

The higher education of the youth of the country has always been considered of the utmost importance to the welfare of the state, and it is a source of regret that no steps have been taken by the territory to provide a college or university for that purpose. Considering the size and extent of this country, it is manifestly certain that we need two such institutions in the territory, and it will not, in my opinion, be unadvisable to at once enact such legislation as will lead to the establishment of an agricultural and mechanical college at some suitable place in the territory.

At Fort Ellis, within the limits of the territory, situated on the line of the Northern Pacific railroad, and in the beautiful and productive Gallatin valley, the United States Government has an abandoned military reservation, embracing about 30,000 acres of land. The buildings on those grounds are of rather a temporary character, but with some slight alterations and expense can be made ample and commodious enough for the accommodation of a full corps of professors and several hundred students. I recommend that you at once memorialize congress to donate the reservation and buildings to the territory for the purpose of establishing an agricultural and mechanical college. The donation would be something tangible, and of infinite more value to the territory than the many thousands of acres of school lands promised, and yet withheld from us. The distance and attending expense of sending Montana boys east to college is most detrimental to the interests of the public, and must necessarily deprive many of the youth of the land of that higher education which is so necessary to fit a citizen for the service and honors of the state. The donation of this reservation to the territory would at once enable the youth to attain these advantages without having to go abroad. Since you can by proper legislation at this session provide for the organization and operation of the college, allow me to remind you that this congress closes the 4th of March, and because of the short time now intervening, and of the great importance of this matter, I most earnestly urge that you do at once pass the proper resolution on the subject, and request our delegate in congress to introduce the necessary bills in that body. It has been the policy of the government for the last twenty-five years to grant such aid for the encouragement and building up of agricultural and mechanical colleges, and in many instances most valuable property has been granted by congress to the states for this purpose. I am sure that it only needs prompt and earnest attention to secure this valuable reservation for the educational interests of the territory.

PENITENTIARY AND HOUSE OF REFORM.

The punishment of crime is a part of the business of human government. The right of the people to punish crime by methods prescribed by law is perfect. It is said that "self-preservation is the first law of nature" and "resistance to wrong is an inherent right." It is upon these principles that the government undertakes to protect its subjects and persevere itself against crime; and hence laws are enacted by the authority of which the agencies of the government seize the violator of the laws and transgressors of the rights of citizens, and subjects him to discipline, confinement or death. This is phenology, and its history is coeval with the history of government. People living under an organized government have absolutely no right to punish any offender without law. To punish without law is the grossest violation of law—it is crime. Lynch law wherever it exists is savagery, or is evidence of undeveloped, or of a degenerated society. Nor should the government impose punishment in any spirit of vengeance. The government of Montana has, through the years of its growth, for a quarter of a century, provided by law punishment as penalties to be imposed upon wrong-doers, tempered according to the degree of crime. Chief amongst those penalties is confinement in the penitentiary. The territory has never yet owned or built a state prison for the confinement and punishment of its criminal classes. The United States has a penitentiary within the territory at Deer Lodge, and ever since the beginning of the year 1874 the territory has secured the confinement, care and support of its convicted criminals in that prison, under contract of the United States government, and there they have been confined, male and female, old and young, of whatever nationality. No prisoner is required to work one hour of the time for which he is there confined. The institution is a very sightly, well-provided and well-kept home, furnished with the best medical skill, kind nursing, ample supply of reading matter, and a chaplain. The buildings and grounds are admirably arranged for the safe-keeping, comfort and health of the convicts. These considerations, with the vigilance and skill of the present keeper, Hon. R. S. Kelly, show the remarkable fact that no death has occurred there within the last three and a half years. There are but seventy cells provided there in which to keep prisoners. This limited provision for room has necessitated the putting of two convicts in each cell, and, in addition to that number, there are periods of time when ten to fifteen others have to be bedded on the floors of the open rooms, and guarded with extra attention to prevent escape. The territory has thus paid for boarding in idleness the convicted criminals since January, 1874, two hundred and seventy thousand dollars, and the auditor's office shows the fact that these annual

outlays are increasing from three to seven thousand dollars a year. You are therefore confronted with the question, whether you will continue this improvident mode of treating the wrong-doers of this territory, or as other governments have done, you will provide a penitentiary and other institutions to meet the wants of Montana's people for the confinement and punishment of the bad and evil disposed subjects of the government?

All civil governments of which history gives us any account, had their system of penology and fashioned in their own chosen way their execution. But we are proud of the fact that America gave to the world the first penitentiary, and here was born the idea of reformatory discipline in a prison. This grand conception, as a means of repressing crime and reclaiming fallen men, was taken up by all the states of this confederacy, and until about the year 1855 the American states were leading the civilized world in their enlightened and improved methods of punishing crime. Since then, however England and some of the older governments have outstripped and gone far in advance of our people. Montana has a place among the American commonwealths, and is now in sight of statehood, securing to the people full and equal political rights with those of other sovereign states of this great confederacy of states; the swelling tide of immigration to this great empire of unfolding wealth gives to the thoughtful statesman no uncertain sound, its warning voice counsels to prepare and lay well the foundation of every department of this rising government, and especially to provide the amplest security to the citizen against crime and violence. Montana cannot afford any longer to neglect and refuse to have a state prison, one of such architectural proportions and dimensions, extent and security as will fully answer all the present and future demands of this growing power, and the same put under such humane government and control as shall comport with the enlightened age in which we live. Montana is no longer an orphan, capable only of exercising such power and doing such things as the congress of the United States allows, but is a full grown, well-matured intelligence, self-reliant, and fully capable of carving out and shaping her own institutions, and giving direction to their administration. Shutting a prisoner up in a bastille and separating him from the world is not enough. It is neither just to him nor to the state to stop with that little measure of punishment: but, in addition, there should be imposed on him hard labor, in his confinement within the walls of the prison house and behind the bolted doors. This is an element of discipline which should be administered and enforced by the corrective hand of the state, and the guilty criminal should in this way be forced to contribute in some degree to his own support while drinking of the bitter cup he himself has prepared. There is no hiding the fact that crime holds high carnival in our

land. The detention and punishment of crime form one of the greatest items of cost to our government; and it requires armies of officers to hunt and discover criminals, and yet governments are powerless to prevent the commission of crime. The hope of eternal bliss and the fear of eternal woe are alike powerless. The convict required to work in prison, as honest people do outside, will be prepared to better fill his place as a free man when again turned out upon the world.

HOUSE OF REFORM.

It is a source of sorrow and regret, and hangs as a dark curtain over the hearthstone of many homes, that many of the youth of our territory, while yet in the morning of life, fall victims to crime, and become subjects of punishment by the government. In the absence of any other provisions for their confinement, they are sent to the county jail or to the penitentiary, and there kept in idleness, the associates of older men who are hardened and skilled in crime. Thus the state is actually putting in apprenticeship the offending youth to the tuition and molding of the very worst men and most offensive characters in the commonwealth. These young pupils, already marked as felons, are ready to absorb and become saturated with sin and the evil spirit, cherished and nursed in malice toward the world by older adepts in crime. In many instances they come out worse in heart, and eagerly enter upon a bolder life of shame and wrong-doing. There is a solemn obligation upon the government to extend its strong arm about the youth of the country, and guard his way well against the evil and vicious population, not only those of that class who go at large seeking whom they can seduce, but also against those in its own possession and confinement in prison. The duty of the government does not cease toward a wayward boy who has been convicted of crime. He may be only 15 to 20 years old, and should not be thrown away; nor should he be sentenced to a life of idleness, under the instructions and tutelage of the vile and debauched criminals gathered in council in the penitentiary. Such a disposition and such a means of correction and reclaiming the fallen youth of the state are a shame and a mockery, and deserve no favor in any enlightened community. Nevertheless, government is compelled to inflict punishment on the youth who embark in crime as well as upon the adult and that punishment should be certain and positive. It is essentially important that hard labor be exacted of the young offender; keep him engaged, and have him learn that labor is helpful and inspiring, and is the great platform on which man in this world is to play his part, doing good to others and honoring his Creator. It is the greatest folly to coerce the bad boy by punishment without making him better by instruction. Imprisonment in the county jail or the

penitentiary neither deters or reforms, because there is no labor there. It is demoralizing in the extreme to those of tender years. Physical employment in the construction of building improvements, ornamentation of grounds, in the workshop at machines and in the field of agriculture, is refining and helpful in its influences, and elevates the tone of human ambition. There is not a mother or father, however bad the child may have been, but is tormented and crushed at heart more from a knowledge of the base and despicable associates in prison given to the child by the law than from the punishment inflicted. The sorrowing family to which disgrace has come, through the criminal act of the child, still has hope that he will return reclaimed and made strong against temptation. But this hope and these expectations are all darkened and filled with increasing alarm by the fact that he is in the midst of teachers already graduated in crime, and are haters of all that is holy and virtuous. In addition to the care and interest the government should have for the reclamation of the young offender, it is due to the family from which he comes that he be so handled by the government as to strengthen the force of the home council, from which he has turned away, and to encourage a hope of his reformation. Hope, you will remember, is the friend whose whispering voice animates and invites us to something better yet to be attained, and is the last friend on earth that forsakes us.

I am glad to learn that in almost every state of this enlightened Christian country there are institutions provided by law for the confinement and correction of this class of our race, separate and apart from the baser and more hardened ones in crime. The success and rich fruits resulting from such separate systems have been so amazingly great, and so full of happiness to rejoicing families to whom the prodigal child has been returned, that now there can be found only a very few civil governments without such institutions. They stand out in every country where erected as great lighthouses, illuminating all within and shining out upon the world around.

I do most earnestly urge upon you and recommend that you carefully prepare and enact a law providing for the purchase of grounds at some suitable place in the territory, and building thereon a house of reform, giving the institution such name as you shall deem appropriate, for the confinement, punishment and discipline of those who shall be of tender years, when found in crime. such institution should be of suitable dimensions, and have such attachments, workshops and space for gardens, lawns and other grounds as may afford every facility to the training work and instruction of the inmates there confined, and proper

provision should be made for its being placed in charge of true men and women, competent and fitted for the high and sacred trust confided to their care and government.

Moreover, I recommend that this class of offenders, while in jail awaiting a trial, shall be kept each one in a separate cell, and not allowed to mingle and converse with the older ones, or any of the prisoners there confined. And I respectfully suggest that you make some provision so that each and every prisoner, of whatever age, while confined in jail, be kept separate from all others, and not allowed to mingle and counsel with each other, gamble, and form conspiracies for further criminal enterprises. And I recommend that the county commissioners of every county be required to make improvements in their jail, so as to conform to this requirement.

ASYLUM FOR THE INSANE.

Montana's people following in the light and example of older governments, and animated by the same christian spirit, have in former years enacted laws showing the tenderest interest and care for the poor and unfortunate afflicted; in fact offering to feed the hungry, clothe the naked, heal the sick, give sight to the blind, speech and hearing to the deaf mute and employment to the willing worker. Every child is the ward of the territory, and its treasury is open to its educational necessities—to the raving maniac as well as to the vacant-minded idiot. The system of help to the insane of the territory, providing for their care and treatment, has been for a number of years the contract system, and pursuant to the provisions of the statute on that subject, Doctors Mitchell and Mussigbrod contracted and agreed to receive into their asylum at Warm Springs, in Deer Lodge county, all those who are adjudged insane, and sent there, to lodge, care for and treat them for their diseases. And under that contract this class of unfortunate people have been kept and maintained, guarded and treated since the beginning of January, 1874, to January, 1889, at the aggregate cost of \$360,000.

The statistics of this terrible malady for these years show that it is increasing in a most alarming degree. There are now in the institution—patients. No complaint is found against these gentlemen for the manner of conducting the institution, or the way in which they have performed their contract. But, upon the contrary, much praise and honor is due them for their humane nursing, kind attention and skillful treatment of these sufferers while there in their charge. The record will show you that through the years of their possession of these helpless insane ones of our population they have treated, and restored to reason and fitness for the freedom of life, and turned out—persons. It is a home to which is sent the old, the young and middle-aged,

male and female, and from almost every nationality, including the untamed Indian. The number who have died there is about——.

The time has come when this system of help to these wards of the government should be improved, and made to rank side by side with those that so much adorn the older states. This new and rising commonwealth should have an asylum for the insane, known and understood to be the property of the government. They should be absolutely in the custody and care of the territory, and borne upon the warm hearts of the people, above every sordid, selfish suggestion of private interest.

I do most earnestly recommend that you act upon this important subject promptly, and I trust your wisdom and love of our race will open the way and lead you to provide for the purchase of that beautiful and well built and arranged property and asylum owned by Mitchell and Mussigbrod, or some other grounds suitably located and adapted to the purposes of such asylum, and for the immediate construction of all necessary houses, lawns, gardens and water supplies; and I urge upon you that in case you shall determine to buy and build you adopt the cottage plan. It is the purpose and settled decision of every constituent, male and female, adult and child, represented in the halls of this legislative assembly, that these unfortunates of Montana's people shall have a home for treatment, and be provided for with liberal hands now and for all years of the bright future awaiting this people's government.

My predecessor in office, in his able message to the fifteenth legislative assembly, laid this subject before that body, and urged that they make the provision that I now again lay before the people's representatives.

HOLDING INQUESTS IN CASE OF ALLEGED INSANITY.

The laws of this territory on the subject of holding inquests over persons charged with insanity are full of glaring defects, and need to be carefully revised and amended. I have reason to believe that much abuse and wrong has been practiced upon weak and innocent persons under the present statutes on this subject. To charge a person with insanity, and have an inquest thereunder, is a proceeding to take away his freedom, and confine him in prison behind bolted doors in the hands of strangers, and away from the tenderest kindred ties of loved ones at home there to languish and await the keeper's favor to grant release. Remembering the long years of unjust confinement in the prison of Joseph, at the instance of a bad woman, and the bloody murder in prison of John the Baptist, and the great number of instances were under this insanity charge and successful manipulation of unworthy allies, men have put away their wives,

children their parents, and other family ties have been severed, and good names blackened by this means of plunder and robbery of the most sacred of all the God-given rights of man, every precaution should be studied and provided, and a sentinel provided by law stationed at the door-way of every attempt through the means of a proceeding in the name of the law to establish insanity upon anyone; and the sentinel should be charged to guard well the trust confided to him. I have information, and believe it to be true, that here in Montana, malice, greed and other most unworthy and offensive agencies have played their part in more than one nefarious scheme of that grade. The present law should be amended, so that no person shall be put upon trial under this charge until the county attorney or some other lawyer, skilled and able in the profession, is provided, and is present to assist the accused, and guard against abuses such as those to which I have referred. I further recommend that twelve citizen housekeepers be the jury to hear the evidence and pass upon the question of the alleged insanity. This is the provision made by law for all who are arraigned upon a criminal charge, both as to counsel and the jury. And why not guard liberty and free locomotion as well to the one accused of insanity as to the criminal? A conviction in either case is loss of liberty and imprisonment. This security will more effectually guard the treasury against fraud and imposition.

ESTATES OF THE INSANE.

There are often times persons convicted of insanity and sent to the asylum who have more or less estate, but no relations in this country. I have information that there are several of this class now in the asylum, with no probable prospect of their recovering. Some, if not all of their estates are in the hands of volunteer, self-appointed keepers, and how managed, or what inventory or report of it is made, the courts and records fail to show. The law should be so framed as to make it the duty of every judicial officer before whom a conviction of insanity is had to ascertain immediately the estate, if any, owned by the patient, its kind, the locality, the amount, in whose possession, and whether there are relatives in the territory; and to make report thereof to the probate judge of the county. The law should charge him and the county attorney to institute proceedings and prosecute to the possessions of the estate, and secure its preservation and increase for the owner, or those to whom it will go at his death. The territory is now paying eight dollars per week for the care and treatment of several subjects in the asylum, one of whom had an estate of ten to fifteen thousand dollars, and no relatives in the United States, so far as known, and others of them have estates amounting to many thousands, but no relatives. If any one of this class shall die

before recovery and discharge, the estate of such will escheat to this territory, as in case any one else dying here without heirs. It is therefore not only just to the deranged patient and to his heirs that his property shall be in the possession and keeping of this territory, and made to grow, but it is also a matter of interest to the territory itself. All such property, of whatever kind, should be ascertained, and those now holding it required to secure or surrender it to a public officer.

KEEP POLITICS OUT OF STATE INSTITUTIONS.

The public spirited and large liberality for which Montana's people have already become distinguished and so noted is a pledge and guaranty that they will not lag behind the progressive, outreaching benevolence which shines so brightly in the states, but will erect and liberally support state prisons, insane asylums and all other eleemosynary institutions that the wants of people may suggest. They should be constructed and arranged with a view to alleviate suffering, correct and restore to the sunshine of life, and should in the nature of things be committed to the care oversight and superintendence of agents and servants chosen and trusted by the government. It is the purpose and aim of the people in thus creating those institutions to have them so arranged and conducted as to secure the improvement of the unfortunate and to reform the criminal, thereby conducing to the public good. It is expected that every citizen will have heart and pride in such institutions, and approve the amplest applicants for their certain success. To accomplish that end these institutions should never be allowed to have about them the slightest tinge of partisanship. No people ever did create, found and open the doors of such institutions with the view to uphold or support a political party. Yet it is an open fact that in the government of England, and in many of the states of America, such has been their use; and in some instances so shameful that public sentiment and the higher order of statesmanship have found a correction that has been most successfully applied. And I now commend and urge you to adopt and establish here in Montana the same effectual barrier to such prostitution in the management. That provision or preventative is to be found in passing a law directing and providing that in each and every institution the superintendent, officers, agents and servants into whose care, conduct, oversight and management they are placed shall be selected in equal numbers, as nearly as may be, from each one of the principal leading political parties of the territory; and in filling every vacancy that should occur the same rule shall be observed. For a great number of years this rule has been observed and most strictly enforced in all the state and congressional elections with reference to the officers set apart and placed in charge of the polls and ascertainment of result for publication. No thoughtful, just-minded citizen would

have this rule as to elections changed. The congress of the United States in completing and rounding up the inter-state commerce law, and providing commissioners to overlook and apply its provisions, inserted the same direction as to their selection and appointment; and their are other acts of congress, and many of those passed by state legislatures, in which this same care has been taken, and in every instance its practical working has been found acceptable.

AGRICULTURE.

Montana's rich mines of gold, copper, silver, lead and coal, supplying the world with thirty to fifty millions of wealth every year; the rich grasses that cover the mountains and valleys, upon which millions of stock feed and grow, yielding so much of riches, and the fast growing spirit of agricultural enterprise in this empire of territory, are the great foundation interests of the people you are called to represent. Neither one must be neglected, nor must the forces engaged in their toil. If there is one interest above all others, the chiefest and most lasting as a foundation support to the government, it is the agricultural. No human avocation is more honorable. It is a department of life service to the world, having many divisions and departments, each of which pours its stream of joy into the family, and feeds the hungry multitude. No government cannot long be a success that neglects the culture and encouragement of ancient husbandry—the least hazardous of any avocation. The beautiful valleys, hills and plains of this wonderful territory are fast filling up with educated people, full of energy and wisdom. Choicely arranged homes and farms are laid out, rich grain fields and growing herds invite the stranger's favor; while the cheaply made fabulous yields are full of remuneration to the laboring thousands. There is not a state nor country in America, the soils and grasses of which yield a better or higher paying reward to the farmer than those of Montana. The tillage of the soil combined with stock growing has found great favor and proved to be successful. This great agricultural interest has not had its full and first place in the legislation of the territory. Montana's agricultural capacities, encouraged and cultivated, promise her the same high and leading distinction—and even greater—than is now accorded to her on account of her greater output of the precious metals and inexhaustable empire of grass.

I recommend that you create a territorial board of agriculture for Montana, provide for its organization and service in this great interest, and supply it with a reasonable liberal support from the public treasury, to carry forward its efforts in advancing and developing this vast source of wealth in these mountains. Its wealth to the country is not alone in dollars and cents, but its steady

practices educates, refines and expands the moral and physical man. strengthens him for good citizenship and repels the approach of crime.

TIMBER, FISH AND GAME.

Connected with the subject of tilling the soil, there is one other important interest, full of value to the people, namely, the timber, fish and game. This territory is rich beyond the computation of figures in these God-giving blessings and supplies, and a wise statesmanship should guard with the greatest vigilance against their destruction. I have reason to believe the laws already on the statute book on these subjects are violated in every county in the territory, and within the last two years great injury to the wealth of the country has been inflicted. I charge you to scrutinize well these laws, and to tighten the bands against this reckless waste and destruction.

BOUNTY FOR KILLING WOLVES, ETC.

Moreover, I recommend that you pass a law offering a bounty, reasonable in amount, for the killing of those enemies to civilization—the wolf, the coyote and mountain lion. They are, perhaps, the meanest and most cowardly trio of animals that live; and live by stealing. The most careful and best possible safeguards should be incorporated in the law against fraud in its administration.

ELECION LAWS.

It is almost twenty-five years since the few white men and women then in Montana, surrounded by many unfriendly Indians, decided to plant permanently in these mountains the standard of American civilization. Pursuant to that decision they appealed to the congress of the United States for its favor, and the organic act was passed, under which this territorial government was organized. That act of congress, containing suggestively the framework of the government, and granting authority to make it complete, has served, and is yet the constitution of this territory, and by virtue of the authority therein granted, the people have, from time to time, met in legislative assembly, and formulated their views and wishes into laws. One of the duties devolving upon the law-making power of this new government, and of first importance, was to declare the terms on which the citizens could acquire the right of suffrage, and how the will of the people, through the process of elections, should be ascertained, and to protect and secure every one entitled to the exercise of this high function, and to guard well against any and every one who would dare interfere. The men whose far-seeing wisdom inaugurated this government knew well, and fully appreciated the right of free suffrage, and understand its power.

They provided a ballot for every citizen, entitled under the law to vote. The voting privilege is a sacred right to the voter and every lover of the government is interested in preserving to him that right, and warding off every attempt to weaken the force of its exercise. All over the states of America we hear much of fraud in elections, intimidation, bribery, etc.; and it is claimed that in many instances the people have been robbed of their choice in elections, and results most humiliating and unwelcome forced upon them. The law should be plain and explicit, showing who should be allowed to vote, and the precinct or township where his vote must be cast. I respectfully suggest that in this regard the laws of the territory should be changed so that every voter shall be required, if he votes at all, to vote in the precinct or township of his residence, and not allowed to vote at another; that he be not allowed to vote until he has been a resident citizen of the territory, or have declared his intention to become such, for at least six months, and of the township where he offers to vote for at least thirty days. The government is kept alive, and its activity in ministering to the wants and necessities of the people must be through agencies primarily elected and provided by the people. The voters of the government constitute but a small part of the population for whom the government is created and upheld, and the greatest care should be observed to guard every one of them from intimidation or other vicious influences, tending in any degree to weaken the force of the trust confided to him. It is a great crime against free suffrage and against the people to corrupt the voter, or to offset his voice at the polls with ballots unauthorized by law. Every attempt to inject into the election count illegal votes, or to clothe a legal vote with the garment of bribery or other criminal tinge is a stab and a wound in the direction of death to free government. I recommend that you prepare and pass a bill recasting the election laws of Montana, and provide the amplest security to those who, by the law, are invested with the responsibility of suffrage, and effectually bar the door against those who would engage in the crime of its debauchery. This subject demands your most earnest attention.

In the state of New York and many other states, and in nearly all the large cities, they have registration laws. Their practical operation upon those people has proved to be a success, and I commend most earnestly to your careful study and favor the preparation and enactment of a registration law for Montana. Your statesmanship will master the question and arrange the details of such a bill without further suggestion; and a measure of this kind conditioned to apply to the people of the territory will be found to be the strongest safeguard against the enemy to free and fair elections. It is said "penal laws are ineffectual to prevent bribery, intimidation and fraud," and that "the primary remedy is the secret ballot." I have had occasion to bestow

some study upon the so-called Australian system of voting, which has recently been adopted in the state of Massachusetts, and went into effect in that state at the beginning of this year. It has been tried, too, in the governments of England, Scotland, Ireland and Canada, and had the favor of those countries. There certainly are some wise features and effectual safeguards against intimidation and bribers in this system, and some of which, if not all, might be made useful in this territory.

ATTORNEY GENERAL.

At the extra session of the last legislative assembly, held in September, 1887, a law was passed exempting the county attorneys from appearing as counsel for the territory in the supreme court, and repealing the law in that regard. The bill so passed created the office of attorney general for the territory, and prescribed the duties assigned him. It also provided that the governor should nominate and appoint by and with the advice and consent of the council. The governor made a nomination for that office in pursuance to the provisions of the law, and the same was rejected by a majority of the council, and that body adjourned leaving the office that they had created vacant. The first term of the supreme court after the adjournment of said extra session of the legislature, was in the early days of January, 1888. The public interest demanded that there should be an attorney general (since the county attorneys were exempted) to look after and attend to the business of the territory pending in that court, and likely to occur in the after terms of the court. Because of such necessity, Hon. William E. Cullen, a gentleman and lawyer of distinguished and known ability residing in the city of Helena, was appointed on the 31st day of December, 1887, and commissioned by the governor to fill and discharge the duties of that office for the time, and until the last day of this regular session of the legislative assembly for the territory of Montana. He accepted the appointment, and has most faithfully met and performed all the duties of his office. There is a statute in the territory, enacted February, 1879, which forbids the payment of any salary or compensation to any public officer appointed by the governor till his appointment is approved thereafter by the legislative council, provided the vacancy in office, to fill which such appointment is made, existed at the adjournment of the legislative assembly preceding such appointment. Under the frowns and remonstrating voice of that law, the attorney general has been kept out of any pay for his valuable services to the public, and has never received anything. I recommend that you at once provide for the payment of his salary. Surely there is no man in Montana ready to refuse this just and long delayed claim. The attorney general has made a detailed report to the governor, showing his services rendered, and his careful

and laborious examination of the statutes of this territory, and subjoining some wise suggestions, which I submit for your consideration.

CODIFICATION OF THE LAW.

I ask your earliest attention to the unsatisfactory condition of the statute law; to the fact that in many particulars it is not up to the standard of progress which characterizes the policy and jurisprudence of the most advanced and enlightened states; and to its manifold inconsistencies and uncertainties. The injunction to "know the law" should succeed intelligent enactments, and not be made before them; and the time is come for you to adopt a plan so to relieve the law of its existing confusion, and to fix its rules, that the people who are expected to obey them may know them. It has been found possible by experience to codify the rules of the common law and to reduce them to the form of the statute.

David Dudley Field, whose able and persistent efforts were begun in 1839, is entitled to the credit for the first of such possibilities, and the legislatures of California and Dakota to the other; while New York has only been prevented from adopting the full results of her several code commissions because her legislature had been too much occupied with special legislation to give the necessary time for their consideration—a reason which does not exist in Montana and should not delay you. One of those results—the code of civil procedure—has been adopted by New York and by twenty-two other states and territories, including Montana, and there is every reason for the opinion that the penal, political and civil codes belonging to the system, of which the code of civil procedure is a part, will, if adopted into law here, prove equally salutary and beneficent. I, therefore, recommend that a law be framed by you for the appointment of a code commission, to be composed of gentlemen learned in the law, with sufficient power and means to prepare and present for the consideration of the legislative assembly at a future session a code or codes of the law; and the rules therein contained be a reduction to the form of statute of the body of the law; that the powers of the commission be plenary in the adoption of the results of other American codifiers, preserving, however, those statutes in existence in Montana which have been enacted with reference to local conditions; and that the rules contained in such code or codes, when authoritatively prescribed, be the law and the only law of this commonwealth, except so far as the same may be controlled by the constitution and laws of the United States, or by subsequent enactments of the local assembly. Sufficient time should be given to the commissioners to discharge their important duties with care and accuracy, and a sufficient means should be placed at their disposal to enable them to perform their task conveniently and with suitable facilities.

MILITIA.

I submit herewith the biennial report of the adjutant general to December 1, 1888, showing the state and the strength of the National Guard of Montana. I cordially approve of the recommendations he makes to bring the regular enlisted, organized and uniformed active militia of Montana, which constitutes the National Guard, to a degree of effectiveness for immediate service in the field in the event such services should be at any time required. Since the date of the report the two houses of congress have made a special appropriation of about thirty-three thousand eight hundred dollars to arm and equip the National Guard of Montana, and the bill so passed will doubtless receive executive approval. The law authorizing and regulating the National guard is extremely defective and should be so amended as to create a system of rules applicable to their object, and I hope that the enactment of proper and needed rules and regulations upon that subject will receive your careful attention. In imitation of the law of many states and territories, where no larger force of active militia is encouraged or required than that of Montana, the offices and duties of quartermaster general, commissary general, inspector general, paymaster general and judge advocate general are united with and devolve upon the adjutant general, with authority in him to appoint and assistant; and as there cannot be a well-ordered, active militia without an adjutant general, and as his report shows that the proper discharge of his duties require considerable time, attention and familiarity with those duties, I suggest that the office above be combined, and that a salary be fixed for the adjutant general and his assistant compensatory to the services rendered.

MONTANA LIBRARY.

I submit with this communication to you the report filed with me of Hon. N. W. McConnell, chief justice of the supreme court, touching the care and supply of the Montana library, and I invite your favorable action upon the suggestions and recommendations of that report. I mention the further fact that there are thirty-five hundred to five thousand volumes and publications of the miscellaneous part of the library, for the care and preservation of which sufficient provision is not made. I invite you to come and see for yourselves the condition it is in, and to adopt the proper remedy. This library, that is the law, miscellaneous and historical departments, should all be made one great, growing interest in the territory. Already it is one chief attraction and subject of praise and wonder to all strangers who visit the capital, and it is the pride of Montana's people as they point to it, and realize that its present proportions and extent far exceed like enterprises and departments in many of the states.

This one interest in Montana should be nursed and made to grow by the legislature. I trust you will open a liberal hand to its encouragement.

There are a number of great interests, full of promise and much of the spirit of enterprise and investment of capital, all over this territory; and yet there is no conflict of interests or antagonizing forces in the industries and striving development of this country. In the natural conformation of the territory there is, and must forever be, eastern, western, northern and southern divisions of this government. Nevertheless, these parts are one common whole, and one government. You are the trusted agents to consider and act for all, and not for a part of the people; and no such thing as class legislation or sectional measures will receive your favor, except as may be for the public good. Each part of the territory must help support the other, and so every separate interest and industry must hold up the other. I shall gladly help and co-operate with you in everything for the honor and for the good of this people.

PRESTON H. LESLIE, Governor.

On motion of Thompson, of the council, the thanks of the joint convention was tendered to his excellency, the governor, for his courtesy and attendance in person.

On motion of Middleton, of the council, at one p. m., the joint convention adjourned.

His excellency submitted to the house for their consideration the report of the attorney general of the territory and the chairman of the board of directors of the Montana library.

The house was again called to order.

Speaker in the chair.

Quorum present.

On motion of Hunt the message of his excellency, the governor, was accepted and made a special order for to-morrow at 11 o'clock a. m.

On motion of Joslyn a recess was taken until 2:30 p. m.

2:30 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—all members present.

Davis offered the following;

J. H. R. No. 1, Entitled, house joint resolution No. 1 "providing for extra clerks for council and for house and compensation therefor." H. J. R. No. 1, read first and second times.

Joslyn offered the following amendment:

Amended by striking out the word "four" and inserting in lieu thereof the word "five." Amendment read first, second and third time, passed and original motion ordered corrected as amended.

On motion of Hunt the rules were suspended.

Resolution considered, engrossed and read as amended for the third time and placed on its final passage, and house joint resolution No. 1 was passed by a unanimous vote, all members being present.

Title agreed to.

On motion of Joslyn house adjourned until 11 a. m. to-morrow.

BENJAMIN WEBSTER, Chief Clerk.

THIRD DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, January 16th, 1889.

House met pursuant to adjournment.

Roll called; all members present.

Prayer by the chaplain.

Journal of preceding day read and adopted.

On motion of Haskell, the special order to consider the Governor's message was set aside until after the committee on rules and order of business had reported. The committee on rules and order of business submitted the following report:

Mr. Speaker: Your committee on rules and order of business having completed their labor, beg leave to report the following:

RULES OF THE HOUSE OF REPRESENTATIVES, SIXTEENTH
LEGISLATIVE ASSEMBLY, MONTANA TERRITORY.

No. 1—*Speaker.* The speaker shall take the chair at the time to which the house stands adjourned, and the house shall then be called to order, the roll called, and the names of absentees shall be entered upon the journal of the house.

In case the speaker is absent, or fails from any cause to take the chair, the house shall appoint a speaker *pro tem*.

No. 2—*Quorum.* Upon the appearance of a quorum the journal of the preceding day shall be read by the clerk, and any mistake therein may be corrected by the house.

No. 3—*Order.* The speaker shall preserve order and decorum and shall decide questions of order, subject to an appeal to the house.

No. 4—*Speaker shall Vote.* The speaker shall vote on all questions taken by yeas and nays (except upon appeals from his own decision), and in all elections and divisions called for by any member.

No. 5—*Members Shall Remain Seated.* When the house adjourns the members shall keep their seats until the Speaker announces the adjournment.

No. 6—*Proper Decorum.* Every member, previous to speaking, shall rise from his seat and respectfully address himself to the speaker.

No. 7—*Two or More.* When two or more members rise at once, the speaker shall designate the member who is first to

speaking, but in all other cases the member who shall first rise and address the chair shall speak first.

No. 8—*Not to Speak More than Twice.* No member shall speak more than twice on the same subject, without leave of the house, nor more than once until every member choosing to speak on the question pending shall have spoken.

No. 9—*Motion to be Seconded.* No motion shall be debated or put unless the same shall be seconded. It shall be stated by the speaker, and any such motion shall be reduced to writing if the speaker or any member shall desire it.

No. 10—*Motion in Possession of the House.* After any motion shall be stated by the speaker it shall be in possession of the house, but may be withdrawn at any time before amendment or decision; but all motions, resolutions or amendments shall be entered upon the journal, whether they are rejected or adopted.

No. 11—*Debate.* When a question is under debate no motion shall be received, except: 1st. To adjourn. 2d. To lay on the table. 3d. For the previous question. 4th. To postpone to a day certain. 5th. To commit to a standing committee. 6th. To commit to a select committee. 7th. To amend. 8th. To postpone indefinitely. And these several motions shall have precedence in the order in which they stand arranged, and a call of the house may be made by a demand of two members.

No. 12—*Adjournment.* A motion to adjourn shall always be in order, except when a member is addressing the chair, or a vote is being taken; that, and the motion to lay on the table, shall be received without debate.

No. 13—*Previous Questions.* The previous question shall be in this form: "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present, and its effect shall be to put an end to the debate, and bring the house to a direct vote upon the amendments reported by a committee, if any, upon pending amendments, and then upon the main question.

On motion of the previous question, and prior to the seconding of the same, one call of the house shall be in order, but after a majority shall have seconded such motion, no call shall be in order prior to a decision of the main question.

No. 14—*Same.* When, on taking the previous question, the house shall decide that the main shall not now be put, the main question shall remain as the question before the house, in the same stage of proceedings as before the previous question was made.

No. 15—*Incidental Questions.* All incidental questions of order, arising after a motion is made for the previous question, during the pending of such motion, or after the house shall have determined that the main question shall now be put, shall be decided, whether on appeal or otherwise, without debate.

No. 16—*Petitions.* Petitions, memorials and other papers addressed to the house, shall be presented by the speaker, or by a member in his place.

No. 17—*Voting.* Every member who shall be present before the vote is declared from the chair, and no other, shall vote for or against the same, unless the house shall excuse him; or unless he is immediately interested in the question, in which case he shall not vote.

No. 18—*When the question is being put.* When the speaker is putting the question, no member shall walk out of or across the hall; nor when a member is speaking shall any person entertain any private discourse, or pass between him and the chair.

No. 19—*Several Points.* If the question in debate contains several points, any member may have the same divided.

No. 20—*Members Called to Order.* A member called to order shall immediately sit down, unless he desires to explain, after which he shall take his seat until the point of order be decided by the chair, which shall be final, unless the member desires to appeal, in which case he shall have the right to arise and ask the chair to put his motion to the house, whose duty it shall be to immediately comply; and the question shall be: "Shall the decision of the chair be sustained?"

No. 21—*Introduction of Bills.* Every bill shall be introduced by a motion for leave, or by an order of the house or on a report of a committee; and one day's notice at least shall be given of a motion for leave to bring in a bill, unless two-thirds of the members present shall vote in favor of its being brought in without such previous notice. Every notice for leave to bring in a bill (and every notice to bring in a bill), shall be in writing, and shall contain the title of the bill.

No. 22—*Bills Endorsed.* Every bill before being introduced, shall have endorsed thereon the title of the same, and every bill and resolution shall have thereon the name of the member introducing it; and when ordered by a committee, the name of such committee shall be endorsed thereon.

No. 23—*Bills to be Read.* All bills, memorials, or joint resolutions shall be read at length, the first time for information, and if opposition be made to it, the question shall be: "Shall this bill

be rejected?" If no opposition be made, or if the motion to reject be lost, the bill shall go on its second reading, without a question.

No. 24—*Second Reading*. All bills, memorials, or joint resolutions, on their second reading, shall be read by their title, and the question taken up on their commitment, amendment, or engrossment, for a third reading.

No. 25—*Third Reading*. All bills, memorials, or joint resolutions, on their third reading, shall be read at length, and no amendments shall be in order except by unanimous consent of the house.

No. 26—*Second and Third Readings*. All bills shall be read three times before their final passage, and may be read twice on the day of presentation, unless otherwise ordered; and no bill shall be passed unless it shall have been read once at length.

No. 27—*No Amendment*. No motion or proposition on a subject different from that under consideration, shall be admitted under color of amendment; no bills or resolutions shall, at any time, be amended by annexing thereto, or incorporating therewith, any other bill or resolution pending before the house.

No. 28—*Committee of the Whole*. In forming a committee of the whole house, the speaker shall appoint a chairman to preside.

No. 29. Bills committed to the committee of the whole house shall, in the committee of the whole thereon, be first read through, unless the committee shall otherwise order, and then read and debated by sections, leaving the title to be last considered.

All amendments shall be made in writing, and reported to the committee by the chairman.

No. 30—*Questions in Committee of the Whole*. All questions whether in committee or in House, shall be put in the order in which they are moved, except in case of privileged questions, and in filling up blanks, when the largest sum and the longest time shall be first put.

No. 31—*Same Mode*. A similar mode of proceeding shall be observed with bills which have originated in and passed the council as with bills originating in the house, except they shall not be printed.

No. 32—*Reconsideration*. No motion for reconsideration shall be in order unless on the same day or the day following that on which the decision proposed to be reconsidered took place, nor unless one of the majority shall move such reconsideration.

No. 33—*Motion to Reconsider.* When notice of the intention to move the reconsideration of any bill or joint resolution shall be given by a member, the clerk of the house shall retain the said bill or joint resolution until after the time during which the said motion can be made, unless the same can previously be disposed of.

No. 34—*Who shall move for a Reconsideration.* Any member that votes on that side of a question which prevailed, may be at liberty to move a reconsideration, and a motion for reconsideration shall be decided by a majority of votes.

No. 35—*When Lost.* In all cases when the house shall be equally divided the question shall be lost, except appeals from decisions of the chair.

No. 36—*House Rules Observed in Committee of the Whole.* The rules of the house shall be observed in committee of the whole house so far as may be applicable, except that yeas and nays shall not be called, the previous question enforced, nor the time of speaking limited.

No. 37—*Committee Rise.* A motion that the committee rise shall always be in order, and shall be decided without debate.

No. 38—*Standing Committees.* Standing committees consisting of three or five members each, at the option of the speaker, shall be appointed on the following subjects:

1. Ways and means.
2. Judiciary.
3. Elections, education and labor.
4. Agriculture, manufactures and stock growing.
5. Federal relations and territorial affairs.
6. Military and Indian affairs.
7. Incorporations, mines and minerals.
8. Towns, counties and highways.
9. Engrossment.
10. Printing.

No. 39—*Engrossment.* The committee on engrossment shall examine all bills after they are engrossed, and report the same to the house (correctly engrossed) before the third reading. Said committee may report at any time.

No. 40—*Enrollment.* The committee on enrollment shall examine all house bills and joint resolutions which have passed the two houses, and when reported correctly enrolled, they shall be presented to the presiding officer of the council and house for their signatures, and when so signed to go to the governor for his approval. Said committee may report at any time.

No. 41—*Select Committees.* Select committees, to whom reference shall be made, shall, in all cases, report a state of facts and their opinion thereon to the house.

No. 42. In all cases where a bill, order, resolution, or motion shall be entered on the journal of the house, the name of the member moving the same shall be entered on the journal.

No. 43—*Clerk to make a List of all Bills.* The speaker of the house shall cause the clerk of the house to make a list of all bills, resolutions, reports of committees and other proceedings of the house, which are committed to a committee of the whole house, and which are not made the order of the day for any particular day, and to number the same which list shall be called "the general order of the day," and they shall be taken up in the order in which they are numbered, unless otherwise ordered by two-thirds of the house; and the clerk shall also keep a book showing the situations and progress of bills.

No. 44—*Speaker to Announce the Order of the Day.* On the meeting of the house, after the reading of the journal of the preceding day, the order of business for the day shall be as follows:

1. Presentation of petitions.
2. Reports of standing committees.
3. Reports of select committees.
4. Notices.
5. Introduction of bills.
6. Motions and resolutions.
7. Consideration of messages from the council.
8. Reading of house bills, resolutions and memorials.
9. Third reading of the same.
10. Third reading of the council bills.
11. Consideration of the general orders.
12. Unfinished business.

No. 45—*Several Motions.* Whenever the report of any committee of conference contains several modifications or amendments, any member may have the same divided and the question of concurrence taken separately upon each modification or amendment.

No. 46—*General Orders.* When the house has arrived at the general order of the day they shall go into committee of the whole upon such orders, or particular order designated by a vote of the house, and no other business shall be in order until the whole are considered, or passed, or the committee rise. And unless a particular bill is ordered up, the committee of the whole shall consider, act upon, or pass upon the general order of their reference.

No. 47—*Speaker to Leave the Chair.* The speaker may leave the chair and appoint a member to preside, but not for a longer time than one day, except by leave of the house.

No. 48—*Parliamentary Practice.* The rules of parliamentary practice embraced in Jefferson's Manual shall govern the house in all cases where they are applicable, and in which they are not inconsistent with the standing rules and orders of the house and the joint rules and orders of the house and council.

No. 49—The privileges of the floor of the house are hereby accorded:

1. To the governor.
2. To the members of the council.
3. To the chief justice and associate justices of the supreme court.
4. To the secretary and other territorial officers.
5. To the executive, judicial and legislative officers of other states and territories.
6. To the officers of the legislative council.
7. To the secretary of the governor.
8. To the former members of the house of representatives.
9. To the representatives from each of the territorial newspapers, to be designated by the proprietors thereof.
10. To such persons as by name have received thanks of the two houses of the legislative assembly.
11. To members of the late constitutional convention and ex-secretaries of the territory.

No. 50—*Time of Meeting.* The hour of the daily meeting of the house shall be 10 o'clock in the morning until the house directs otherwise.

No. 51—*Yeas and Nays.* The yeas and nays shall not be ordered unless demanded by two members, except on the final passage of the bills, joint resolutions and resolutions making appropriations of money, in which case the yeas and nays shall be made without demand.

No. 52—*Printed.* All house bills of a general nature, shall, after their second reading, be printed without special order from the house.

No. 53—*Memorials to Congress.* All memorials to congress, or to any officer, or authority of the government, after they shall have passed both houses, shall be carefully enrolled, signed by the speaker of the house and the president of the council, and forthwith transmitted by the chief clerk of the respective houses in which they originated, to the president of the senate, the speaker of the house of representatives in congress, and to the authority memorialized, and a copy to our delegate in congress.

No. 54—*Titles and Reports of Proceedings.* Titles of bills introduced in the house shall be as brief as possible, indicating substantially the purport of the same; and all proceedings of the house wherein action is taken upon bills, resolutions and motions shall be kept by the clerk in full, upon the journal; in all cases giving the title of each bill or resolution. But the second and all subsequent references shall be complete where such bill or resolution is referred to by its number. The substance of each motion shall be given, when reference is made to the same, and all resolutions offered shall appear in full upon the journal.

No. 55—*Suspend, Alter or Amend.* No rule of the house shall be suspended, altered or amended without the concurrence of two-thirds of the members present.

S. G. MURRAY, Chairman.

Joslyn moved that the report be adopted and committee discharged. Amendment offered by Hunt, that the house resolve itself into a committee of the whole to consider the report of the committee on rules and order of business. Motion carried as amended and the house went into committee of the whole at 11:30 a. m.

House resumed at 12:30 p. m.

Mr. Speaker in the chair.

In pursuance of a motion by Wait that a committee of three be appointed by the chair to act with a like committee of the council on joint rules. The chair appointed Messrs. Wait, Congdon, and Swiggett.

On motion of Blakeley, Flowers, of Gallatin was granted a leave of absence of three days by the chair.

On motion of Johnson a recess was taken until 2 o'clock p. m.

Two p. m., roll called, quorum present.

Absent on leave, Flowers.

Mr. Speaker in the chair.

The house immediately resolved itself into a committee of the whole for further consideration of the report of the committee on rules and order of business, Joslyn in the chair.

3 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Following report offered, and on motion of Murray adopted, and committee discharged.

Mr. Speaker: The committee of the whole house have had under consideration the report of the committee on rules and order of business of the house and beg to report the same back with the recommendation that they be adopted as reported by the committee on rules, except the following amendments:

In section 10 of rules 38, amended by striking out the words "enrollment and."

In section 6, rule 38, strike out the words "and Indian."

In rule No. 48, amended by striking out the words "Jefferson's Manual" and insert in lieu thereof the words "Robert's Rules of Order."

Amend rule 49 by inserting after the word "governor" the words "and ex-governors of this territory."

Amend section 3, rule 38, by striking out the words "education and labor" and inserting in lieu thereof the words "and territorial officers."

Amend section 5, rule 38, by striking out the words "territorial affairs" and inserting before the words federal relations the words "education, labor and."

Amend section 7, rule 38, by striking out the word "incorporation."

Amend by adding a new committee numbered eleven, entitled "incorporations."

JOSLYN, Chairman.

On motion of Hunt, special order relating to the consideration of the Governors' message was postponed until 11 o'clock tomorrow morning.

The following report of the committee on mileage was submitted, and on motion of Waite, adopted and committee discharged.

LEGISLATIVE HALL,
Helena, Montana, January 16, 1889.

Mr. Speaker: Your select committee, appointed to ascertain the number of miles necessarily traveled by members of the house of the sixteenth legislative assembly, in reaching the seat of government of Montana, and returning to their respective homes, have performed that duty and beg leave to submit the attached report.

Blakely, 189 miles; Carver, 248 miles; Comfort, 348 miles; Congdon, 150 miles; Flowers, 160 miles; Garrett, 298 miles; Gillett, 148 miles; Haskell, 928 miles; Johnson, 772 miles; Jones, 350 miles; Joslyn, 128 miles; Moore, 220 miles; Mantle 150 miles; Murray, 252 miles; Pickman, 288 miles; Rea, 772 miles; Roberts, 150 miles; Saxton, 148 miles; Swiggett, 68 miles; Waite, 378 miles; Whitney, 584 miles; Willis, 268 miles.

Respectfully submitted,

C. D. JOSLYN, Chairman.
LORING B. REA,
J. D. COMFORT,
H. D. PICKMAN,
W. D. FLOWERS,
Committee.

On motion of Davis, house adjourned until 10:30 a. m. tomorrow.

BENJAMIN WEBSTER, Chief Clerk.

FOURTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, January 17, 1889.

House met pursuant to adjournment at 10.30 a. m.

Mr. Speaker in the chair.

Roll call—quorum present.

Absent by permission, Whitney.

Journal of third day read and approved.

Following notice of the introduction of a bill was given:

Mr. Speaker: I hereby give notice that on tomorrow, or some subsequent day, I shall introduce a bill entitled "an act to prohibit certain gambling games," and fixing a penalty for violation thereof, January 17, 1889.

HUNT.

Communication from the council received.

The following report of the joint committee on rules was submitted:

JOINT RULES OF THE COUNCIL AND HOUSE.

No. 1. The chamber of the council and the hall of the house of representatives shall be open from 8 o'clock a. m. until 11 o'clock p. m. of each day during the sessions, unless by resolution of the council, its chamber, or by resolution of the house, its hall shall be closed.

No. 2. The presiding officer of each house, and, subject to his directions, the Sergeant-at-arms of each house, shall have general supervision and control of the rooms in which such house may meet, and shall see that the door-keeper or watchman thereof perform their several duties, and the watchman of each house shall be responsible for all property left therein by the government and the members respectively.

No. 3. The door-keepers at all times, when the rooms of the house, or either of them, are opened, shall be at their posts and will admit no person upon the floor not privileged thereto, except that during any recess a member may invite any person to the floor.

No. 4. No moneys from the territorial treasury shall be expended; nor any indebtedness or liability of the territory be incurred by either house, except upon a concurrent or joint resolution of both houses.

No. 5. The title of every bill shall briefly state its general object, and every bill shall be numbered by the clerk, and the title thereof, and the name of the member introducing the same shall be indorsed thereon.

No. 6. Neither house during the session shall adjourn more than one day at any time, nor to any other place than that in which such house shall be regularly sitting, without the consent of the other.

No. 7. Messages shall be transmitted between the two houses by the chief clerk or sergeant-at-arms, or by such other officer of each house as its sense of propriety may dictate, which messages shall keep each house informed with promptness of all notices given and bills introduced, and of the general condition and state of business of the other.

No. 8. Upon the presentation of an enrolled bill by the joint enrolling committee of the two houses, to the presiding officer of one of the houses, for his signature thereto, he shall rise in his place, and give notice that he is about to sign the same, giving the title thereof; whereupon, if any member shall signify his desire to do so, he shall be permitted to examine the same, but no objections to the presiding officers signing the same shall be of any avail, if the same conforms to the engrossed bills as it passed both houses.

No. 9. The enrolling and engrossing clerk of the two houses, under the direction of the presiding officer of each house, respectively, when not engaged in enrolling or engrossing bills, shall assist the several standing or select committees.

No. 10. The journal of each house shall give the title and number of each bill, joint resolution or memorial; but the second and all subsequent references shall be complete when referred to by its numbers.

No. 11. In every case of disagreement between the two houses, if either house requests a conference and appoint a committee for that purpose, the other house shall appoint a committee to confer therewith upon the subject of their disagreement. They shall meet at a convenient time to be agreed upon by their chairman, and, having conferred freely, each shall report to their respective houses the result of their conference.

No. 12. When a message shall be sent from either house to the other, it shall be announced at the door of the house to which it is sent by the doorkeeper thereof, and shall be respectfully communicated to the chair by the person by whom it is sent.

No. 13. When bills are enrolled they shall be examined by a joint committee of two from the council and three from the house, appointed as a standing committee for that purpose, who shall carefully compare the enrollment with the engrossed bills as passed in the two houses, and correcting any errors that may be discovered in the enrolled bills, making their report forthwith to their respective houses.

No. 14. Each enrolled bill shall be signed first by the speaker of the house of representatives and then by the president of the council, in the presence of their respective houses while in session.

No 15. After the bill shall have been thus signed in each house, it shall be presented by the joint committee of enrollment to the Governor for his approval, and said committee shall forthwith report to their respective houses the day and hour of presentation, which shall be entered upon the journals of each house.

No. 16. All memorials to congress, or to any officer or other authority of the government, after they shall have passed both houses, shall be carefully enrolled, signed by the speaker of the house of representative and president of the council, and shall be transmitted by the chief clerk of the house in which they originated to the president of the senate, the speaker of the house of represenatives, or to the authority memorialized, and a copy to our delegate in congress.

No. 17. When any bill, joint resolution or memorial which shall have passed in one house is rejected in the other, notice of said house rejection shall be given to the house which has passed the same.

No. 18. When a bill, resolution or memorial which shall have passed one house is rejected in the other, it shall not again be introduced during the session without five days' notice and leave of two-thirds of the members voting thereon.

No. 19. Each house shall transmit to the other, with any bill, resolution or memorial, all papers upon which the same shall be founded.

No. 20. When each house shall have adhered to their disagreement, a bill or resolution is lost.

No. 21. When any bill, memorial or resolution is ordered to be printed, a sufficient number of copies shall be printed for the use of both houses, and the quota for each house delivered to its sergeant-at-arms.

No. 22. It shall be the duties of the chief clerks of the house of representatives and of the council, when any document is ordered to be printed in their respective houses, forthwith to communicate such order to the other house.

No. 23. Whenever a joint resolution or memorial shall have passed both houses of the legislative assembly, an enrolled copy thereof, duly signed by the speaker of the house of representatives and the president of the council, shall be filed in the office of the secretary of the territory by the chief clerk of the house in which the same originated.

(Signed)

WAITE.

On motion of Comfort, the rules as reported were adopted; and, on motion of Rea, the committee were discharged.

The following communications were received from the council:

COUNCIL CHAMBER,
Helena, Montana, January 16th, 1889.

Mr. Speaker: I am directed by the council to report to your honorable body the following notices of the introduction of bills:

By Kennedy—To provide for the printing and distributing ballots at the public expense and to regulate voting at territorial, county and city elections.

By Thompson, of Deer Lodge—1. To divide the counties into three districts each, for the purpose of electing county commissioners.

2. Joint memorial to congress protesting against the admission of Utah as a state.

I am also directed to transmit herewith C. J. R. No. 1, provid-

ing for the payment of printing, postage, etc., not provided for by the general government, which passed the council this day.

Respectfully, JOHN R. EARDLY, Chief Clerk.

COUNCIL CHAMBER,
Helena, M. T., January 17, 1889.

Mr. Speaker: I am directed by the council to transmit to your honorable body the following which has passed the council, viz:

C. J. R. No. 2, "Thanking Hon. J. K. Toole in his efforts in behalf of statehood and affirming Montana's right to admission."

C. J. M. No. 3, Asking congress to donate Fort Ellis military reservation to the territory of Montana for agricultural and mechanical college.

Council substitute for H. J. R. No. 1, Providing for the hire of extra clerks for council and house and to provide compensation therefor.

I am also directed to inform your honorable body of the following notices of bills, viz.:

By Collins—To create the office of public examiner and define the duties of the incumbent thereof.

By Thompson, of Silver Bow—To establish a territorial board of inspection for steam boilers and for the examination and licensing of stationary engines. Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

Council substitute for H. J. R. No. 1 was read, and on motion of Joslyn adopted and ordered enrolled.

C. J. R. No. 1, providing for the payment of extra printing, etc., was read first and second times, and on notice of Blakely, rules were suspended and resolution read for the third time by title.

Title agreed to and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Garrett, Hunt, Johnson, Jones, Joslyn, Moore, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Willis and Mr. Speaker—19.

Nays—Gillett, Haskell, Murray—3.

C. J. R. No. 2 thanking Hon. J. K. Toole for his efforts in behalf of statehood and affirming Montana's right to admission was read first and second time.

On motion of Blakely rules were suspended and resolution read a third time.

On motion of Hunt resolution was laid on the table by the following vote:

Ayes—Carver, Comfort, Congdon, Davis, Gillett, Haskell, Hunt, Jones, Joslyn, Moore, Murray, Pickman, Rea, Swiggett, Waite, Willis and Mr. Speaker—17.

Nays—Blakely, Garrett, Johnson, Roberts and Saxton—5.

C. J. M. No. 3, Asking congress to donate Fort Ellis military reservation to the territory of Montana for agricultural and mechanical college, was read first and second time.

On motion of Johnson, rules were suspended and memorial read for the third time by title.

Blakely's motion to refer to a select committee of three was lost.

On motion of Blakely, Davis was excused from voting.

Motion reconsidered and memorial passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Garrett, Gillett, Haskell, Hunt, Johnson, Jones, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Willis, Mr. Speaker,—19.

Nays—Joslyn, Moore, Waite,—3.

Davis gave notice that at eleven o'clock a. m. to-morrow he would move to have vote reconsidered.

On motion of Blakely, special order to consider governor's message be further postponed until 2:30 p. m.

On motion of Waite a recess was taken until two p. m.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent by permission, Whitney.

The speaker announced the following standing committee:

Ways and Means.—Joslyn, Davis, Saxton, Murray, Haskell.

Judiciary.—Hunt, Murray, Haskell.

Election and Territorial Affairs.—Whitney, Rea, Willis, Hunt, Blakely.

Agriculture, Manufacturing and Stock Growing.—Johnson, Saxton, Gillette, Jones, Waite.

Education, Labor and Federal Relations.—Murray, Moore, Pickman, Congdon, Flowers.

Military Affairs.—Swiggett, Comfort, Willis, Pickman, Blakely.

Mines and Minerals.—Roberts, Moore, Comfort, Swiggett, Carver.

Towns, Counties and Highways.—Garrett, Jones, Comfort, Roberts, Flowers.

Engrossment.—Pickman, Moore, Whitney, Willis, Garrett.

Printing.—Congdon, Waite, Rea, Davis, Johnson.

Incorporation.—Carver, Joslyn, Jones, Davis, Blakely.

Joint Committee on Enrollment.—Gillette, Rea, Saxton.

The following communication was received from the council:

COUNCIL CHAMBER,
Helena, Montana, January 17, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the following notices were announced in council:

By Thompson, of Deer Lodge—A bill to amend section 63, chapter 3, of the probate practice act.

A bill to amend section 1798, chapter 100, of the revenue act.

I am also directed to transmit to your honorable body C. J. M. No. 4, against the admission of Utah as a state, which passed the council.

Respectfully,

JOHN R. EARDLEY, Chief Clerk.

C. J. M. No. 14, was read first and second times.

Motion of Davis that the memorial be laid upon the table was lost.

On motion of Blakely C. J. M. No. 4 was referred to a committee of three, and Messrs. Blakely Joslyn and Davis were named as such committee by the chair.

By order of the chair rules and joint rules and list of standing committees were referred to committee on printing.

On motion of Blakely committee on printing were instructed to have printed 300 copies of rules and joint rules.

Davis moved that the chair appoint a committee of three to instruct and advise the secretary of the territory as to what amount of stationery and newspapers the house requires and all other necessary material the different committees require. Motion lost.

Motion by Congdon to reconsider the vote of the house on C. J. R. No. 1, was carried.

On motion of Blakely that C. J. R. No. 1 be referred to a special committee of five.

Motion was carried.

In pursuance of which the speaker appointed the following gentlemen as committee: Blakely, Congdon, Hunt, Rea and Garrett.

Special order to consider governor's message at 2.30 p. m.

Murray moved that a special committee of five be appointed, to whom should be referred the governor's message, with reference to its distribution among the standing committee.

Davis moved to amend that the house resolve itself into a committee of the whole.

Blakely's motion to amend "That the message be referred to the speaker to be distributed" was lost, and the amendment of Davis being withdrawn, the original motion was put to a vote and carried, in pursuance of which the chair appointed the following gentlemen as such special committee: Messrs. Murray, Saxton, Waite, Comfort and Willis.

By authority of council substitute of J. H. B. No. 1 the speaker appointed Mr. Eugene S. French assistant clerk.

Following resolution offered:

HOUSE RESOLUTION.

Resolved, That the worthy secretary of Montana is hereby requested to furnish suitable rooms, desks, etc., for the use of the committees of this house of the sixteenth legislative assembly and to have same ready by to-morrow, January 18, 1889,

JOSLYN.

HOUSE OF REPRESENTATIVES, Helena, January 18, 1889.

Resolution adopted.

The house granted leave of absence to Joslyn, of Deer Lodge, until Monday, January 21st.

House adjourned on motion of Waite until to-morrow morning at 10 o'clock a. m.

BENJAMIN WEBSTER, Chief Clerk.

FIFTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, January 18, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll called, quorum present.

Absent on leave, Joslyn and Flowers.

Prayer by the chaplain.

Journal of the fourth day read and approved.

On motion of Rea, the reading of that portion of the journal citing joint rules and order of business was omitted.

Petition from citizens of Madison to detach a portion of Madison county and attach the same to Gallatin county, was presented by Blakely of Gallatin, read and on motion of Blakely was referred to committee on towns, counties and highways.

Following report from joint committee on enrollment was received:

Mr. Speaker: Your joint committee on enrollment to which was referred council substitute for house joint resolution No. 1, providing for extra clerks, respectfully report the same back correctly enrolled.

GILLETTE, Chairman.

Following notice of bill was received:

Mr. Speaker: I hereby give notice that I will on Saturday, January 19th, or on some subsequent day, introduce a bill for an act providing for the better protection of game and fish and for the creation of the office of game and fish warden.

E. E. CONGDON.

11 O'CLOCK A. M.

In accordance with notice given yesterday Davis moved that the vote on C. J. M. No. 3 be reconsidered. Motion carried.

On motion of Davis, C. J. M. No. 3 was referred to committee on education, labor and federal relations.

Following house resolution was offered by Roberts and adopted.

Resolved, That the territorial secretary be and is hereby requested to furnish for the use of the chief clerk of this house a set or case of pigeon holes, so arranged that they can be securely locked or fastened, in order to insure the safe keeping of papers.

On motion of Hunt house took recess until 2 p. m.

ROBERTS.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Joslyn and Flowers absent on leave.

The followind select committee reports were received:

HOUSE OF REPRESENTATIVES,
Montana Territory.

Mr. Speaker: Your committee appointed to consider the message delivered to the sixteenth legislative assembly by his excellency, the governor of Montana, have completed their labors and beg leave to submit the following report:

1. That the recommendations contained in said message relating to the equalization of taxes by creating a board of equalization be, and are hereby referred to the committee on ways and means.
2. That the suggestions relating to the enactment of laws for the purpose of enforcing a better observance of the Sabbath day and to the license of saloons and gambling be, and are hereby referred to the committee on education and territorial affairs.
3. That the suggestions relating to the provisions for the employment of expert examiners of public records be, and the same are hereby referred to the committee on incorporations.
4. That the suggestions relative to election laws be, and are hereby referred to the committee on elections and territorial affairs.
5. That the suggestions relating to the attorney general of the territory be, and are hereby referred to the judiciary committee, also that the suggestions relating to the codification of the laws of Montana be, and are hereby referred to the judiciary committee.
6. That the suggestions relating to the militia of Montana be, and are hereby referred to the committee on military affairs.
7. That the suggestions relating to the provisions for territorial library, to the establishment of a reform school and penitentiary, also to the maintenance and care of the insane be, and are hereby referred to the committee on ways and means.
8. That the suggestions relating to educational matters be and are hereby referred to the committee on education, labor and federal relations.

9. That the suggestions relating to a bounty law be and are hereby referred to the committee on agriculture, manufacture and stock growing, also that the suggestions relating to agriculture be referred to the above named committee.

10. That the suggestions relating to the preservation of timber, fish and game be and are hereby referred to the committee on towns, counties and highways.

11. That the suggestions relating to the directions of public officers be and are hereby referred to the judiciary committee.

S. G. MURRAY, Chairman.

On motion of Johnson report was adopted and committee discharged.

Mr. Speaker: Your committee to whom was referred council joint resolution No. 1, providing for the payment of printing, postage, etc., not provided for by the general government, have had the same under consideration and report the same back to the house with a substitute which we recommend be passed in lieu thereof.

BLAKELY, Chairman.

On motion of Blakely, report was accepted and committee discharged.

On motion of Blakely, substitute for C. J. R. No. 1 was adopted and ordered enrolled.

The following message was received from the council:

COUNCIL CHAMBER,
Helena, Montana, January 18th, 1889.

Mr. Speaker: I am directed by the council to acknowledge receipt of house message concerning your action taken on C. J. R. No. 1 and to inquire of your honorable body the meaning of the apparent error therein, to wit:

Your message states that C. J. R. No. 1 was finally referred to a special committee of five; it subsequently states that the same resolution was laid on the table.

Also, to report to your honorable body the following notices given in the council, viz.:

By Brown—A bill to amend section 1973, chapter 110, fifth division of compiled statutes of Montana.

By Hatch—A bill to provide for transferring certain probate records from Gallatin county to Park county.

By Bickford—A bill amending chapter 9 of the fifth division of the general laws as to allow the admission of women to practice law.

A bill amending chapter 2, code of civil procedure, relative to attachments in justices' courts.

A bill amending title 5, chapter 1, of the code of civil procedure, relative to the publication of summons.

A bill to regulate the taking up of estray animals.

By Middleton—A bill relating to the drawing of juries and grand juries.

A bill amending the law relative to the employment of special counsel by county commissioners. Respectfully submitted,
JOHN R. EARDLEY, Chief Clerk.

On motion of Johnson, house adjourned until 10 o'clock a. m. tomorrow morning.

BENJAMIN WEBSTER, Chief Clerk.

SIXTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, January 19, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll call—quorum present.

Absent on leave, Joslyn and Flowers.

Prayer by the Chaplain.

Journal of fifth day read and approved.

Following reports were received, from committee on enrollment.

Mr. Speaker: Your committee on enrollment beg leave to report that house joint resolution No. 1 was yesterday at 3:20 p. m. presented to the Governor and by him signed and approved, January 19, 1889, select committee report. GILLETTE.

LEGISLATIVE HALL,
Helena, Montana, January 19, 1889.

Mr. Speaker: Your committee to whom was referred council joint memorial No. 4, against the admission of Utah as a state, have had the same under consideration and report the same back to the house, and recommend that the same be indefinitely postponed. BLAKELY, Chairman.

On motion of Congdon, select committee report on C. J. M. No. 4 was adopted and committee discharged.

Following notice of bill was announced by Moore:

I hereby give notice that I will on next Monday, or some subsequent day, introduce a bill entitled "An act to restrict the sale of opium, morphine, cocaine and other poisons."

With permission of the house the following bill was introduced by Haskell without further notice:

H. B. No. 1, A bill for an act to add an additional section to "An act to provide for the levy of taxes and assessments of property," approved September 14, 1887.

H. B. No. 1 was read first and second times and referred to committee on printing.

On motion of Congdon, house adjourned until 2 o'clock p. m., Monday, January 21.

BENJAMIN WEBSTER, Chief Clerk.

EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, January 21, 1889.

House met pursuant to adjournment at 2 o'clock p. m.

Mr. Speaker in the chair.

Roll call—quorum present.

Absent, Carver.

Absent, Joslyn on extension of leave.

Prayer by the chaplain.

Journal of sixth day read and approved.

A petition from the Montana bar association, which stated that at a recent meeting of that body held in Helena, it was resolved as the sense of the association that the common law so far as possible should be reduced to the form of a statute; that a codification of the political, civil and criminal law and a practice should be provided for by the legislature was presented by Hunt, read and referred to the committee on judiciary.

The following reports of standing committees were received.

Mr. Speaker: Your committee on agriculture, manufacture and stock growing, to whom was referred that portion of the governor's message recommending the passage of a bounty law for the killing of wolves, etc., and also that portion recommending the creation of a territorial board of agriculture, beg leave to submit the following report:

We are fully convinced that the stock interests of this territory are in pressing need of a bounty law, and we would recommend that immediate action in that direction be taken and a law passed

to take effect at as early date as possible, giving an adequate bounty upon all wild animals that are now devastating our flocks and herds. And in reference to the creation of a territorial board of agriculture your committee commend the recommendations relative to the formation of a board of agriculture, but in view of the fact that there is a strong probability of soon being admitted to statehood, we deem it advisable to defer definite action upon the recommendation at present.

JOHNSON, Chairman.

On motion of Rea the report was adopted.

COMMITTEE ON EDUCATION, LABOR AND FEDERAL RELATIONS.

Mr. Speaker: Your committee on education, labor and federal relations to whom was referred council joint memorial No. 3, asking congress to denote Fort Ellis Military reservation to the territory of Montana for agricultural and mechanical purposes return herewith a substitute therefor with the recommendation that the same do pass.

S. G. MURRAY, Chairman.

On motion of Blakely, the report of the committee on education, labor and federal relations was adopted.

REPORT OF COMMITTEE ON PRINTING.

HOUSE OF REPRESENTATIVES.

Helena, M. T., January 21, 1889.

Mr. Speaker: The committee on printing beg leave to report as correctly printed. the rules and joint rules of the house of representatives, sixteenth session of the territorial legislature, also to report as correctly printed house bill No. 1, introduced by Haskell, entitled a bill for an act to add an additional section to "an act to provide for the levy of taxes and assessments of property," approved September 14th, 1887.

E. E. CONGDON, Chairman.

The following notices of bills were given:

Mr. Speaker: I hereby give notice, that I will on to-morrow introduce a bill entitled an act to regulate the practice of medicine and surgery in the territory of Montana, and to license physicians and surgeons and to punish persons violating the provisions of this act.

PICKMAN.

Mr. Speaker: I will on to-morrow or some future day introduce a bill to provide for the payment of bounty for the killing of certain animals.

REA.

To the Speaker and House of Representatives: You will please take notice that I will on the morrow introduce (1) An act to provide for the transfer of certain moneys into the general

fund, (2) To amend section 1528 of the fifth division of general laws, (3) To create a territorial board of equalization, prescribe their duties as well as certain county officers. HASKELL.

Following bill was introduced by Hunt, H. B. No. 2, "An act to prohibit certain gambling games and fixing penalties for the violation thereof."

H. B. No. 2 was read first and second times and referred to committee on printing.

Following communication was received from the council.

Mr. Speaker: I am directed by the council to inform your honorable body that notices of introduction of bills have been given as follows:

By Kennedy—"A bill defining the duties of county attorneys in certain cases."

By Conrad—"A bill for the payment of bounties for killing certain stock destroying animals."

By Middleton—"A bill providing for a laborer's lien on materials on which they work."

Also, "A bill relating to chattel mortgages."

Also, "A bill for the repeal of the merchants license law."

Bills were introduced as follows:

By Thompson, of Silver Bow—C. B. No. 1, "To establish a territorial board of inspectors for steam boilers and for the examination and licensing of stationary engineers." Ordered printed.

By Brown—C. B. No. 2, "An act to amend section 1973 fifth division of the compiled statutes of Montana, relating to the duties of assessors to collect statistics." Ordered printed.

By Bickford—C. B. No. 3, "An act to amend section 754 of the code of civil procedure, compiled statutes of Montana, relating to attachments in justices courts." Ordered printed.

Also, C. B. No. 4, "A bill to amend chapter 9 of the fifth division, general laws of Montana, to allow women to be admitted to practice as attorneys at law." Ordered printed.

Respectfully submitted,

JNO. R. EARDLEY, Chief Clerk.

Extension of leave was granted to Joslyn, of Deer Lodge, by the house.

On motion of Blakely house adjourned until 10 o'clock a. m., January 22.

BENJAMIN WEBSTER, Chief Clerk.

NINTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, January 22, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll call—quorum present.

Absent on leave, Joslyn.

Petition presented by Garrett from the citizens of Choteau county, requesting that a county law be passed for the destruction of stock-killing animals; also, that a law be passed providing for the detection and punishment of frauds against such bounty law.

Petition read and referred to committee on agriculture, manufacture and stock growing.

Following reports of standing committees were received:

COMMITTEE ON ENROLLMENT.

Mr. Speaker: Your committee on enrollment beg leave to report that council joint resolution No. 1 has been correctly enrolled.
GILLETTE, Chairman.

COMMITTEE ON TOWNS, COUNCILS AND HIGHWAYS.

January 22, 1889.

Mr. Speaker: Your committee on towns, counties and highways, to whom was referred that portion of the governor's message relating to the preservation of timber, fish and game, have had the same under consideration, and respectfully report the same back with the following.

The forest trees of Montana are the sentinels which guard the well springs of almost half a continent, and their preservation involves the prosperity and happiness of future teeming millions in the valleys of the Missouri and Columbia. On the careful use of the timber and the preservation of the forests depend in a great measure our mining industry and the success of the great systems of irrigation, which have been, and are yet to be, constructed, to make the vast area of our fertile bench lands to blossom as the rose. We, therefore, recommend a stringent enforcement of the laws against the careless setting out of fire, the chief cause of forest destruction. It is a source of congratulation to us that another cause of destruction; *i. e.*, the use of wood for fuel, will soon, in a great measure, be removed by the discovery of apparently inexhaustible beds of good coal in differ-

ent parts of the territory. We are of the opinion that the general government has done and is doing all in its power to guard against the waste of timber.

We also recommend that arbor day be changed to be between the fifteenth day of April and first day of May in each year, instead of on the third Tuesday in May. Experience having shown trees planted so late do not generally thrive, and we would urge a general observance of the day so set apart, especially by teachers and pupils of the public schools.

We recommend the appointment of a suitable person or persons in each county to see that the laws on the statute books relating to fish and game are strictly enforced; especially should roving bands of Indians off their reservation be prevented from killing game wantonly and out of season. By reason of their well known qualities as brain food we recommend that your honorable body take such steps as you may deem proper, to stock with suitable varieties of fish all Montana waters in which the finny tribe is becoming depleted. Respectfully submitted,

GARRETT, Chairman.

On motion of Moore report was received.

Following notices of bills were given:

By Blakely—*Mr. Speaker*: I will on to-morrow or some future day introduce a bill to change the boundary line between Gallatin and Madison county.

By Murray—*Mr. Speaker*: I hereby give notice that I will on to-morrow or some subsequent day introduce a bill providing for the establishment of a hospital for the insane.

By Hunt—*Mr. Speaker*: I hereby give notice that on to-morrow or some subsequent day I shall introduce a bill for "an act concerning county treasurers."

The following bills were introduced.

By Congdon—H. B. No. 3, "A bill for an act providing for the better protection of game and fish, and for the creation of the office of game and fish warden."

By Haskell—H. B. No. 4, "An act to provide for the transfer of certain moneys into the general fund."

Also, H. B. No. 5, "An act to amend section 1528 of the fifth division of general laws."

By Pickman—H. B. No. 6, "A bill for and act to regulate the practice of medicine in the territory of Montana, and to license physicians and surgeons, and to provide punishment for the violations of the provisions of this act."

H. B. No. 1 was referred to the judiciary committee.

Following H. J. R. No. 2, was introduced by Swiggett providing for the printing and distribution of five hundred copies of the Governor's message.

Following communication from the council was received.

COUNCIL CHAMBER,
Helena, Montana, January 21, 1889.

Mr. Speaker: I am directed to inform your honorable body that the following notices of the introduction of bills were given in council this day.

By Brown—"A bill providing for the permanent fixing and determining the point in the middle fork of Stoney creek where Deer Lodge and Silver Bow counties corner and from thence the point where Beaverhead and Missoula counties corner on the Rocky Mountains, and the line dividing the counties of Silver Bow and Beaverhead from the corner on said summit to the nearest water drainage into the Big Hole Basin."

By Hoffman—"A bill in regard to the building of free bridges."
Respectfully submitted,

JNO. R. EARDLEY, Chief Clerk.

The following bills were read first and second time and referred to the printing committee:

H. B. No. 3, H. B. No. 4, H. B. No. 5, H. B. No. 6, also H. J. R. No. 2.

Murray objected to further consideration of H. B. No. 4. Objection overruled by the house.

Following communication from his excellency, the governor, was received:

Helena, Montana, Jan. 18, 1889.

Gentlemen of the Legislative Assembly: I herewith transmit for your use and consideration, the report of the school text book commission for the territory of Montana. Very respectfully,

PRESTON H. LESLIE.

On motion of Blakely the reading of the report of the text book commission was omitted and the report was referred to committee on education, labor and federal relations.

The speaker gave notice that he was about to sign C. J. R. No. 1.

On motion of Hunt the house took a recess until 2 o'clock p. m.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Roll called, all members present.

Following notices of bills were given.

By Waite—*Mr. Speaker*: I hereby give notice that I will on tomorrow or some subsequent day introduce a bill to re-establish the boundary line of Fergus county on the west as provided in the act of the fourteenth session creating Fergus county.

By Haskell—*Mr. Speaker*: I hereby give notice that I will on the morrow introduce a bill to repeal sub-division five of section one of an act relating to licenses.

The following communications from the council were received.

COUNCIL CHAMBER,
Helena, M. T., January 22, 1889.

Mr. Speaker: I am directed by the council to return to your honorable body for further action thereon C. J. M. No. 3, asking congress to donate Fort Ellis Military Reservation to the territory of Montana for agricultural and medical college together with house substitute therefore for the reason that the house history endorsed upon said memorial does not show that said memorial was read a third time and passed.

Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

COUNCIL CHAMBER,
Helena, Montana, January 22, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that, Kennedy gave notice of the introduction of a bill amending chapter 101 of the fifth division of the compiled laws of Montana concerning roads and highways.

Kennedy introduced—C. B. No. 5, "A bill for an act defining the duties of county attorneys in divorce cases." Ordered printed.

The following messages from the Governor were received.

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, Montana, January 18, 1889.

Gentlemen of the legislative assembly: I here transmit for your use and consideration the report of the school text book commission for the territory of Montana. Very respectfully,

PRESTON H. LESLIE.

EXECUTIVE OFFICE,
Helena, Montana, January 21, 1889.

Hon. C. K. Cole, President of the Council, and Hon. Lee Mantle Speaker of the House of Representatives:

I have the honor to present, through you, to the legislative assembly of Montana the annual report of the superintendent of public instruction for the years 1887 and 1888.

Respectfully, P. H. LESLIE.

The report of the text-book commission and territorial superintendent were referred to committee on education and labor, and the report of the territorial board of stock commissioners was referred to the committee on grazing and stock-growing.

Respectfully submitted, JNO. R. EARDLY, Chief Clerk.

EXECUTIVE OFFICE,
Helena, Montana, January 18th, 1889.

Hon. C. K. Cole, President of the Council, and Hon. Lee Mantle, Speaker of the House of Representatives:

I have the honor to present, through you, to the legislative assembly the third official report of the territorial board of stock commissioners for Montana, embodying the work of the board for the year 1888, including the report of the territorial veterinary surgeon and his deputies as required by law; and to this report is added an appendix, the report of the territorial records of brands and marks.

Respectfully,

PRESTON H. LESLIE.

Also, C. J. M. No. 3, on motion of Blakely, rules were suspended; substitute for C. J. M. No. 3 was considered engrossed, read for the third time and passed by a unanimous vote, all members being present.

Title agreed to.

H. J. R. No. 3, presented by Davis, providing for assistant watchman and janitor for the house and council.

H. J. R. No. 3, read first and second times. On motion of Davis rules were suspended Resolution considered engrossed, read for the third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Garrett, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Willis, Mr. Speaker—22.

Noes—Moore—1.

Title agreed.

Following report of joint enrollment committee was received:

Mr. Speaker: Your joint committee on enrollment beg leave to report that C. J. R. No. 1, appropriating one thousand (1,000) dollars from the territorial treasury for stationery and printing, was presented to the governor for his signature at 11:30 a. m. January 22. 1889.

GILLETTE.

The speaker appointed the following assistant clerks: T. H. Crowell, J. H. Kelley and John E. Kennedy.

On motion of Hunt house adjourned until 10 o'clock a. m. January 23.

BENJAMIN WEBSTER, Chief Clerk.

TENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, January 23, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll call—all members present.

Prayer by the chaplain.

Journal of the ninth day read and approved.

Following report was received:

HOUSE OF REPRESENTATIVES,
Helena, Montana, January 23, 1889.

Mr. Speaker: Your committee on printing beg leave to report as correctly printed H. B. No. 2. H. J. R. No. 2 be reported back to the house with the recommendation that all resolutions be not printed.

E. E. CONGDON, Chairman.

On motion of Hunt report was adopted.

On motion of Murray H. J. R. No. 2 was ordered engrossed.

Following notice of bill was given:

By Moore—I hereby give notice that I will to-morrow or some subsequent day introduce a bill entitled “an act to provide for the registration of the names of electors and to prevent fraud at elections.”

Following bill was introduced by Haskell:

H. B. No. 7, entitled a bill for an act to repeal subdivision five of “An act to amend an act entitled an act concerning licenses,” approved September 14, 1887.

Following communications were received from the council:

COUNCIL CHAMBER,
Helena, M. T., January 23, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the president has signed C. J. R. No. 1, and that the same has been transmitted to the governor and approved by him.

Also, the following notices of bills were given this day:

By Bickford—From committee on federal relations of a joint memorial to congress, presenting in full the claim of Montana territory for admission in the union.

By Thompson, of Deer Lodge—A bill to establish a territorial board of examiners to regulate the practice of medicine in the territory of Montana.

Also, the following bills were introduced:

By Brown—C. B. No. 6, an act to permanently fix and determine certain boundary lines and corners between Deer Lodge, Missoula, Silver Bow and Beaverhead counties, and to provide for the appointment of a commission thereof.

Referred to a special committee consisting of one member from each county named in bill.

By Hoffman—C. B. No. 7, a bill for an act to authorize counties to build free bridges. Ordered printed.

By Kennedy—C. B. No. 8, a bill for an act to provide for printing and distributing ballots at the public expense, and to regulate voting at territorial and other elections. Ordered printed.

I also have the honor to return to your honorable body H. J. R. No. 3, which passed the council unanimously; also, to inform you that the council unanimously adopted and passed house substitute for C. J. M. No. 3.

Also, to transmit for your consideration the following message from his excellency the governor, the subject matter thereof having been referred to the committee on territorial affairs.

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, Montana, January 22, 1889.

Hon. C. K. Cole, President of the Council, and Hon. Lee Mantle, Speaker of the House of Representatives:

My attention has just been called to the statute law as found in section 270, fourth division, chapter 13, of compiled statutes of Montana, page 580, with reference to the killing of buffalo or bison within certain counties in said territory. I am advised that

there are in the Yellowstone National Park considerable numbers of this species of animal, and with the view to prevent and save from extermination, the congress of the United States heretofore made provision for their protection while on the soil of that park, and the statute of Montana referred to has been a supporting help to the law of the United States and to those intrusted with its execution. It will be seen that the act of Montana will expire twenty-first of February, 1889. The migratory character of that animal is such that at certain seasons in the year they stray abroad from their usual home grounds, and hence may be found without the pale of the United States' guardian care. I recommend that the legislature assembly re-enact said statute of 1879 and enlarge its provisions and inhibitions so as to apply to the entire territory of Montana. Respectfully,

P. H. LESLIE.

All of which is respectfully submitted.

JOHN R. EARDLEY, Chief Clerk.

H. J. R. No. 3 was referred to committee on enrollment.

On motion of Moore, that portion of the governor's message recommending the re-enactment of section 270, fourth division, chapter 13, of compiled statutes of Montana, relating to the preservation of buffalo, was referred to committee on election and territorial affairs.

H. B. No. 7 was read first and second times and referred to committee on printing.

On motion of Davis the report of the superintendent of public instruction was referred to committee on education, labor and federal relations.

H. B. No. 2 was referred to the committee on ways and means.

On motion of Congdon the house took a recess until 2 p. m.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—all members present.

Waite presented a petition from the citizens of Meagher, Choteau, Cascade and Fergus counties requesting that a bounty bill for the destruction of stock-killing animals be passed. Petition referred to committee on agriculture, manufacture and stock growing.

Following reports were presented:

Mr. Speaker: Your committee on election and territorial affairs, to which was referred those portions of the message of

his excellency, the governor, concerning elections and gambling, respectfully report that a bill is pending in the council concerning elections and notice of a bill concerning registration have been given in this house, and that a bill concerning gambling is now pending in this house, and we recommend due consideration of all these, as they may be brought before the house.

Respectfully, REA, Chairman, pro tem.

On motion of Garrett report was received.

REPORT OF COMMITTEE ON ENGROSSMENT.

Mr. Speaker: Your committee on engrossment, to whom was referred H. J. R. No. 2, beg leave to report that they have examined the same and find the same correctly engrossed.

PICKMAN, Chairman.

Report received.

Davis gave following notice:

Mr. Speaker: I give notice that I will on to-morrow or some subsequent day, introduce a bill for the relief of A. C. Logan, R. Howey and J. H. Myers, board of school text book commissioners.

Following communication was received from the council:

COUNCIL CHAMBER,
Helena, Montana, January 23, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the following notices of the introduction of bills were given in council:

By Brown—A bill for an act to amend section 302, third division, of the compiled statutes of Montana territory, relating to separate trials of criminals.

By Kennedy—A bill to amend section 1613 and 1614 of the fifth division of the compiled statutes of Montana, relating to contracts for care of poor.

Also that Thompson of Deer Lodge introduced C. B. No. 9, a bill for an act to establish a territorial board of examiners to regulate the practice of medicine in the territory of Montana. Ordered printed. Respectfully submitted,

JNO. R. EARDLEY, Chief clerk.

H. J. R. No. 2 was read third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Garrett, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Murray, Moore, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Wells
—22.

Nays—Mr. Speaker—1.

Title agreed to.

Following report of joint enrollment committee was received:

Mr. Speaker: Your joint committee on enrollment, to whom was referred H. J. R. No. 3, providing for assistant watchman and janitor for the house and council, have compared the same and respectfully report it back correctly enrolled.

GILLETTE, Chairman.

The speaker announced that he was about to sign H. J. R. No. 3.

On motion of Johnson house adjourned until 10:00 a. m.,
January 24th. BENJAMIN WEBSTER, Chief Clerk.

ELEVENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, January 24, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll called—all members present.

Prayer by the chaplain.

Journal of tenth day read and approved.

Rea presented a petition of 87 names from residents of Custer county asking for a bounty law on stock-killing animals.

On motion of Rea reading of names was omitted and petition was referred to committee on agriculture, manufacture and stock growing.

The following reports were received:

HOUSE OF REPRESENTATIVES,
Helena, Montana, January 24, 1889.

Mr. Speaker: Your committee on printing to whom house bills Nos. 3, 4, 5 and 6 were referred, beg leave to report as correctly printed H. B. No. 3, H. B. No. 5, H. B. No. 6.

E. E. CONGDON, Chairman.

House bill No 3 was referred to committee on election and territorial affairs.

H. B. No. 5 was referred to judiciary committee.

H. B. No. 6 was referred to committee on election and territorial affairs.

Following report of committee on ways and means was received:

COMMITTEE OF WAYS AND MEANS.

HOUSE OF REPRESENTATIVES,
Helena, Montana, January 24, 1889.

Mr. Speaker: Your committee has considered H. B. No. 2 and herewith submit the same with amendments, and recommend that the same be passed as amended.

JOSLYN, Chairman.

Report was received and, with H. B. No. 2, was placed on general orders.

Report of committee on enrollment.

Mr. Speaker: Your committee on enrollment beg leave to report that H. J. R. No. 3 was presented to the governor for his approval January 23d at 2:30 p. m.

Respectfully, GILLETTE, Chairman.

Following notices of bills were given:

By Carver—*Mr. Speaker:* I will on to-morrow, or some subsequent day, introduce a bill to amend an act entitled: "An act to suppress and prevent dissemination of scab and infectious diseases among sheep," and to create the office of county scab inspector.

HOUSE, January 24, 1889.

By Hunt—I hereby give notice that by request I shall introduce on to-morrow, or at a subsequent time, a bill for an act to protect the owners of bottles, boxes and siphons used in the sale of mineral waters.

By Comfort—*Mr. Speaker:* I hereby give notice that I will on to-morrow, or soon after, present a bill to amend section 1143, and strike out a portion of section 1152 of chapter 67 of compiled statutes of Montana.

Following bill was introduced by Rea:

H. B. No. 8, a bill for an act to provide for the payment of bounties for the killing of certain stock-destroying animals.

Following message received from the council:

COUNCIL CHAMBER, January 24, 1889.

Mr. Speaker: I am directed to inform your honorable body that the council committee on territorial affairs report that they

have considered the governor's message in the relation of killing of buffalo and bison, and that they will soon introduce a bill to perpetuate section 270, fourth division, chapter 13, of compiled statutes of Montana territory.

I also have the honor to return to your honorable body H. J. R. No. 2, which passed the council under a suspension of the rules, also to transmit to you council concurrent resolution No. 6, providing for the appointment of a joint committee to examine the books and accounts of the territorial auditor and treasurer which passed the council, and that Messrs. Kennedy, Conrad and Hatch were appointed as such committee on the part of the council. Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

C. C. R. No. 6, for the appointment of a joint committee to examine the books and accounts of the territorial auditor and treasurer was read, and on motion of Joslyn was adopted. In pursuance with which the speaker appointed the following gentlemen as members of the joint committee: Messrs. Davis, Moore and Saxton.

H. J. R. No. 2 was referred to committee on enrollment.

H. B. No. 8 was read first and second times, and referred to committee on printing.

The following message from his excellency, the governor, was received.

EXECUTIVE OFFICE,
Helena, Montana, January 23, 1889.

Gentlemen of the House of Representatives:

I have the honor to inform you that on this day I have approved and signed house joint resolution No. 3, providing for assistant watchman and janitor for the house and council.

P. H. LESLIE.

10.45 O'CLOCK A. M.

House resolved itself into committee of the Whole.
Mr. Saxton in the chair.

At 12.15 house resumed.
Mr. Speaker in the chair.

Mr. Saxton, chairman of the committee of the whole, reported progress and begged leave to sit again.

On motion of Hunt recess was taken until 2 p. m.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—all members present.

Mr. Speaker appointed J. R. Oglesby assistant watchman.

House resolved itself into a committee of the whole.

Mr. Saxton in the chair.

House resumed at 3.45 p. m.

Mr. Speaker in the chair.

Mr. Saxton asked for time before reporting from the committee of the whole.

Motion of Joslyn that a recess of fifteen minutes be taken was lost.

Following communication from the council was received:

COUNCIL CHAMBER,
Helena, Montana, January 23, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the following notices of bills were given this day:

By Brown—A bill for an act to amend sections 1236, 1237 and 1238, fifth division of the compiled statutes of Montana, relating to the legal rate of interest.

Also, the following was introduced by Middleton:

A bill for an act to amend section No. 845 of chapter 64, fifth division of the compiled statutes of Montana, relating to county attorneys.

A bill for an act to amend section 1297 of the fifth division of the compiled statutes of Montana, relating to drawing juries. Both of which were ordered printed.

Respectfully submitted,

JNO. R. EARDLEY, Chief Clerk.

Following report of joint committee on enrollment was received:

Mr. Speaker: Your joint committee on enrollment to whom was referred H. J. R. No. 2, providing for printing the governor's message, respectfully report that we have examined the same and find it correctly enrolled. GILLETTE, Chairman.

The speaker announced that he was about to sign C. J. M. No. 3, and H. J. R. No. 2.

Following report from the committee of the whole was received:

Mr. Speaker: The committee of the whole have had under consideration H. B. No. 2, entitled "An act to prohibit certain gambling games," and fixing a penalty for the violation thereof, and report the same back with the recommendation that it do pass with the accompanying amendments together with the amendments recommended by the committee on ways and means.

J. E. SAXTON, Chairman.

On motion of Garrett report was adopted.

On motion of Murray following amendments of H. B. No. 2, was made by unanimous consent:

In section 9, line 2, to strike out after the word attorney the word "must," and insert in lieu thereof the word "shall." In section 10, line 3, after the words "or playing" to strike out the word "of."

House bill No. 2 was ordered engrossed.

On motion of Rea as amended by Davis, house adjourned until 11 a. m.

BENJAMIN WEBSTER, Chief Clerk.

TWELFTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, January 25, 1889.

House met pursuant to adjournment at 11 o'clock a. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Prayer by the chaplain.

Journal of eleventh day read and approved.

A petition of thirty-six names was presented by Garrett from the citizens of Cascade, Choteau, Meagher and Fergus counties asking for a bounty law on stock-killing animals.

Referred to committee on agriculture, manufacture and stock growing.

Following reports were received:

ON PRINTING.

Mr. Speaker: Your committee on printing beg leave to report as correctly printed H. B. No. 4 and No. 7.

E. E. CONGDON, Chairman.

ON ENGROSSMENT.

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 2, relating to gambling, respectfully report we have examined the same and find it correctly engrossed.

PICKMAN, Chairman.

ON ELECTION AND TERRITORIAL AFFAIRS.

Mr. Speaker: Your committee on election and territorial affairs, to whom was referred that portion of the governor's message relative to the re-enactment of the law as found in section 270, fourth division, chapter 13, of compiled statutes of Montana, page 580, beg leave to report that they recommend a bill be introduced in accordance with the governor's message.

REA, Chairman, pro tem.

On motion of Blakely report of committee on election and territorial affairs was received.

H. B. No. 4 and No. 7 were referred to committee on ways and means.

The following bill was introduced by Comfort:

H. C. No. 9, entitled: "A bill for an act to amend section 1,143, and to strike out a portion of section 1,152 of chapter 67, of the compiled statutes of Montana.

H. B. No. 9 was read first and second time and referred to committee on printing.

H. B. No. 2 was read for the third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Garrett, Gillette, Haskell, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Willis, Mr. Speaker—22.

Nays—0.

Absent—Hunt.

Title agreed to.

The attorney-general's report to the governor, which accompanied the governor's message, was referred to committee on judiciary.

The report of the chairman of the board of directors of the Montana library to the governor was referred to committee on election and territorial affairs.

Joslyn moved to amend house rule No. 52 by the following addition:

Provided, that under no circumstances shall the original bill be placed in the hands of the printer, but a true copy thereof shall be made, under the direction of the printing committee, and forthwith by that committee delivered to the printer, with instructions to print a sufficient number of copies thereof and return the same without delay.

Motion carried.

On motion of Congdon the house adjourned until 2 p. m., Monday, January 28th. BENJAMIN WEBSTER, Chief Clerk.

FIFTEENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, January 28, 1889.

House met pursuant to adjournment at 2 p. m.

Mr. Speaker in the chair.

Roll call—quorum present.

Absent on leave, Gillette, Haskell, Joslyn, Moore and Pickman.

Prayer by the chaplain.

Minutes of Twelfth day read and approved.

Following reports were received:

COMMITTEE ON ELECTION AND TERRITORIAL AFFAIRS.

Mr. Speaker: Your committee on election and territorial affairs, to whom was referred H. B. No. 3, recommend the passage of the bill with annexed amendments.

REA, Chairman, pro tem.

H. B. No. 3, placed on general orders together with the report of the committee on education, labor and federal relations.

Mr. Speaker: Your committee, to whom was referred that portion of the governor's message relating to educational affairs, beg leave to report that upon investigation we find that the territorial superintendent of public instruction is unprovided with an office or room for the proper keeping of records, paper, etc., and do therefore recommend that provision be made for the safe keeping of all public records and papers that now are or may come hereafter into the hands of the superintendent, and with that object in view suggest to this honorable body that the superintendent of public instruction be provided with a furnished office and with such other conveniences as may be necessary.

S. G. MURRAY, Chairman.

On motion of Congdon report was received.

JUDICIARY COMMITTEE.

Mr. Speaker: Your committee on judiciary, to whom was referred H. B. No. 5, entitled: "An act to amend section 1,528 of the fifth division, of general laws, report the same back and recommend that it do not pass.

HUNT, Chairman.

H. B. No. 5 and judiciary report were placed on general orders.

PRINTING COMMITTEE.

Mr. Speaker: Your committee on printing beg leave to report as correctly printed H. B. No. 8 and No. 9.

E. E. CONGDON, Chairman.

H. B. No. 8 was referred to committee on agriculture, manufacture and stock growing.

H. B. No. 9 was referred to committee on election and territorial affairs.

Following message was received from the governor and referred to the committee on mines and minerals.

EXECUTIVE OFFICE,

Helena, Montana, January 28, 1889.

Gentlemen of the House of Representatives: In consequence of the numerous accidents which have occurred in the mines of the country, and by which so many men have been killed and maimed, and so much property has been lost, some of the states and territories have found it profitable to employ men skilled in mining to examine all mines and machinery for moving and reducing the ores, with power to require all dangerous or defective works and appliances to be made safe. It has occurred to me that a commonwealth which has so carefully provided for the protection of its citizens against contagious diseases, and for the care of the sick and the deaf, the blind and the insane, and even for the protection of our domestic animals against epidemical disease and destructive animals, may well provide for the protection of our many citizens who are engaged in the dangerous work of mining.

This protection appears particularly necessary at the present time, when our people are preparing to work so many of our coal mines on an extensive scale, for it is well known that the most destructive accidents frequently occur in the coal mines of the world.

These frightful happenings often destroys hundreds fill their homes with sorrow and want, besides the vast amount of property lost by the explosions and the fires which follow.

Most of those engaged in mining are not professional miners, consequently with all their care, they are liable to neglect some precautions necessary to safety; others are so anxious to reach profitable results, in their efforts to do the greatest possible amount of work with the least possible cost do systematically neglect such appliances as are absolutely necessary to safety.

Still others who contract and sink shafts, run tunnels and leads for a specified sum, do often neglect such precautions and thereby render this work dangerous to themselves and to all who enter them.

Superintendents of mines are often so anxious to secure valuable results that they are tempted (and thus prove their skill) and prosecute their business at low cost; postponing and neglecting to observe and strengthen against danger until the shock of death comes.

These and many other facts which your knowledge will readily supply, appear to call for some legislative action to protect those working in mines and that species of valuable industry.

Such wise and well digested legislation will not only secure safety to our own people but will be an inducement to others to engage with us in this great work of developing our vast mineral resources.

Mining is our great industry; in this department we stand at the head of the list, and it becomes us to place around those engaged in this hazardous business the strongest bands of government care.

It has been found that an inspector of mines, who is skilled in the working of all varieties of that business and in the use of the necessary machinery, a firm and pure man, with proper limits to his power, is the best means the government can supply of securing this much needed protection to life and property.

And I recommend that you make such provision for our citizens.

Moreover, in the interests of our mines and other industries I ask your attention to the fact that France will hold an exposition of the industries of the world at Paris to be opened in May next.

At this exposition those who rule the capital and labor of the world will be represented to determine where the surplus capital and labor can be most profitably employed.

Many of the states have made provision to have their resources there exhibited.

California has appropriated forty thousand dollars for this purpose and other states and territories are moving in this direction.

I believe it would be for our interest to provide liberally for the collection of mineral and the appointment of a commissioner to represent us in the Paris exposition. No money could be so expended as to produce more profitable results. Montana's great industries have thus far but small fostering care from the government.

While neighboring territories and states have applied their resources in inducing people and capital to come to them and engage with them in developing their wealth, we have scarcely invited people or capital to come to this home of wealth, prosperity and riches. Hence other territories and states, with far less genial climates, and vastly inferior resources, have filled up with people, while we, with the richest and most inexhaustable resources in the world, have grown in population much more slowly. And this is because we have not shown the world what we have in climate and resources of wealth. Respectfully, P. H. LESLIE.

The following message from the governor also received:

TERRITORY OF MONTANA, EXECUTIVE OFFICE.

Helena, Montana, January 25, 1889.

Gentlemen of the House of Representatives: I have the honor to inform you that on this day I have approved and signed house joint resolution No. 2, providing for the printing and distributing of five hundred copies of the governor's message.

P. H. LESLIE.

Following notice of bill was given:

By Jones—*Mr. Speaker:* I hereby give notice that on tomorrow, or some subsequent day, I will introduce a bill for the compensation of justices of the peace.

House resolved itself into a committee of the whole for the consideration of general orders.

Mr. Swiggett in the chair.

3.15 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Mr. Swiggett asked for time to report from the committee of the whole.

Following communication received from the council:

COUNCIL CHAMBER,
Helena, Montana, January 25, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the following notice of bills were given in council:

By Kennedy—A bill to amend sections 1993 and 1995 of the fifth division of the compiled statutes of Montana, relating to law reports.

By Collins—A bill regulating publishing and printing.

Also, that the following bills were introduced:

By Brown—C. B. No. 13, a bill to amend sections 1236, 1237 and 1238, fifth division of the compiled statutes of Montana, relating to the legal rate of interest. Ordered printed.

By Collins—C. B. No. 14, a bill to provide for the appointment and to prescribe the duties of a public examiner. Ordered printed.

Also, that the council this day passed C. B. No. 6, an act to fix certain boundary lines and corners, and to provide for the appointment of commissioners to determine the same, the same being herewith transmitted. Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

C. B. No. 6, an act to permanently fix and determine certain boundary lines and corners between deer Lodge, Missoula, Silver Bow and Beaverhead counties, and to provide for the appointment of commissioners thereof to determine the same was read first and second times, and referred to a special committee consisting of the members of the house from the counties interested.

On motion of Blakely house adjourned until 10 a. m., January 29.
BENJAMIN WEBSTER, Chief Clerk.

SIXTEENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, January 29, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll call—quorum present.

Absent on leave, Haskell and Joslyn.

Prayer by the chaplain.

Journal of the fifteenth day read and approved.

On motion of Hunt the reading of that portion of the journal containing the governor's message was omitted.

Following report was received:

Mr. Speaker: Your committee on election and territorial affairs to whom was referred H. B. No. 6, have duly considered the same and report back a substitute with the recommendation that it do pass.

REA, Chairman, pro tem.

H. B. No. 6, with substitute as recommended by committee on elections and territorial affairs, was placed on general orders.

Following notices of bills were given:

By Swiggett—*Mr. Speaker;* I hereby give notice that on to-morrow or some future day I will introduce a bill for the regulation and discipline of the national guard of Montana.

By Hunt—*Mr. Speaker:* I hereby give notice that on to-morrow I shall, by request, introduce a bill for an act to amend "An act to enable certain cities and towns to incur indebtedness."

Following bill was introduced by Jones:

H. B. No. 10, entitled an act providing for the compensation of justices of the peace.

H. C. R. No. 4, providing for a joint committee to examine into the affairs of the penitentiary and insane asylum, and report thereon, was introduced by Murray and adopted.

Mr. Congdon was granted leave of absence until afternoon session.

H. B. No. 10 was read first and second times, and referred to committee on printing.

Following report of the committee of the whole of January 28 was received.

Mr. Speaker: Your committee of the whole, to whom was referred H. B. No. 3, have duly considered the same, and report the same back with the recommendation that it do pass with the amendments herewith submitted.

Also, that the consideration of H. B. No. 5, in the committee of the whole be postponed until the return of the member introducing the bill.

SWIGGETT, Chairman.

On motion of Blakely report was adopted, and H. B. No. 3 was referred to committee on engrossment.

H. B. No. 5 was replaced on general orders to await the return of the member introducing the same.

House resolved itself into the committee of the whole to consider general orders. Mr. Waite in the chair.

12 O'CLOCK.

House resumed.

Mr. Speaker in the chair.

Following report of the committee of the whole was received.

Mr. Speaker: Your committee of the whole has had under consideration H. B. No. 6 and the substitute therefor of the committee on educations and territorial affairs, and report the same back with the recommendation that the same be referred to a special committee of three from the house to confer with the council committee having a similar bill under consideration.

WAITE, Chairman.

On motion of Roberts, the report of the committee of the whole was adopted.

In pursuance of which the chair appointed Pickman, Moore and Swiggett as committee of conference.

Following report of committee on enrollment was received.

Mr. Speaker: Your committee on enrollment beg leave to report H. J. R. No. 2 was delivered to the governor for his signature and approved on January 25th, 11:45 a. m.

GILLETTE, Chairman.

Following communications were received from the council:

COUNCIL CHAMBER,
Helena, Montana, January 28, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that a petition of sixty-eight residents of Madison county praying for a change of the county line, referred to committee on towns and counties.

Also that a remonstrance of twenty-six residents of Miles City against the change of text books in our common schools was received and referred to committee on education and labor.

Also that the following notices of bills were given this day:

By Conrad—A bill to amend section 242, fourth division, criminal laws, relating to vagrants.

By Middleton—A bill to amend section 1307 of the fifth division of the compiled statutes, relating to time when acts and joint resolutions shall take effect.

Also a bill to amend chapter 100 of the fifth division of compiled statutes and acts amendatory thereto, relative to the revenue laws.

By Thompson of Deer Lodge—A bill for an act to provide for the safety of passengers traveling by rail in the territory of Montana.

Also that the following bills were introduced:

By Olds—C. J. M. No. 7, relating to the sale of mineral lands to aliens.

Ordered engrossed.

By Cole—C. B. No. 15, a bill for an act relating to the office of police magistrate in incorporated towns and cities.

Ordered printed.

By Middleton—C. B. No. 16, a bill¹ for an act to amend sections 181 and 183 of the first division, code of civil procedure, compiled statutes of Montana, relating to attachments.

Ordered printed.

Also, that the governor has transmitted to the council a message recommending the passage of a bill providing for an inspector of mines. Also, recommending an appropriation to defray the expenses of collecting minerals and the appointment of a commissioner to represent Montana territory at the exposition of the World's Industrial, to be opened in May next, in the city of Paris.

The same was referred to the committee on mines and minerals.

Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

COUNCIL CHAMBER,

Helena, Montana, January 29, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the following bills were introduced in the council this day:

By Middleton—C. B. No. 17, an act to amend 1307, fifth division of the compiled statutes of Montana, relating to the time when acts of the legislature shall take effect. Ordered printed.

By Thompson, of Deer Lodge—C. B. No. 18, a bill for an act to provide for the safety of persons traveling by rail in the territory of Montana. Ordered printed.

By Conrad—C. B. No. 19, a bill for an act to amend section 242, fourth division of compiled statutes of Montana, relating to vagrants. Ordered printed.

I am also directed to transmit to your honorable body C. B. No. 3, an act to amend section 754 of the code of civil procedure, compiled statutes of Montana, relating to attachments in justices courts which passed the council unanimously.

Respectfully submitted, JNO. R. EARDLEY, Chief Clerk.

C. B. No. 3, entitled an act to amend section 754 of the code of civil procedure, compiled statutes of Montana, relative to attachments in justices courts, was read first and second times and referred to committee on judiciary.

On motion of Swiggett house took a recess until 2 o'clock p. m.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Haskell.

Pursuant to H. C. R. No. 4, the speaker appointed as members of joint committee from the house, Murray, Blakely, Comfort, Congdon, Pickman.

Following report of the committee on ways and means was received:

Mr. Speaker: Your committee to which was referred that part of the governor's message relating "to better provisions for the territorial library," "to the establishment of a reform school and penitentiary," also "to the care of the insane," and also "the recommendation contained in said message relating to equalization of taxes by creating a board of equalization" respectfully report. In regard to better provision for the territorial library, as no suitable room in this building or any adjacent building for that purpose can be obtained, it is recommended that no action be taken in this matter at present. In view of the probable early admission of this territory into the union as a state, your committee deems it advisable to defer all action in regard to the establishment of a penitentiary and reform school. In regard to the care of the insane and also as to the provision for the equalization of taxes, your committee is advised that bills concerning these suggestions are already being prepared.

JOSLYN, Chairman.

On motion of Blakely report was received.

Second report of committee on ways and means.

Mr. Speaker: Your committee to which was referred H. B. No. 4, respectfully report that said bill has been considered and

the amendments herewith submitted are proposed, and it is recommended that said bill be adopted as amended.

JOSLYN, Chairman.

H. B. No. 4, with amendments as recommended by committee on ways and means was placed on general orders.

Following report of committee on engrossment was received:

Mr. Speaker: Your committee on engrossment to whom was referred H. B. No. 3, relating to game and fish warden respectfully report that we have examined the same and return it correctly engrossed.

PICKMAN, Chairman.

Following notices of bills were given:

By Waite—*Mr. Speaker:* I hereby give notice that on tomorrow or some subsequent day will introduce a bill to amend section 1812 of an act concerning roads and highways.

By Roberts—*Mr. Speaker:* I hereby give notice that on tomorrow or some subsequent day I will introduce a bill to establish the office of inspector of mines.

Following bill was introduced by Waite:

H. B. No. 11, entitled "An an act to establish the western boundary line of Fergus county."

H. B. No. 11 was read first and second times and referred to a special committee, consisting of the members of the house, from the counties interested; *i. e.*, Fergus and Meagher.

H. B. No. 3 was read for the third time and placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Garrett, Hunt, Johnson, Jones, Joslyn, Murray, Moore, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Willis, Mr. Speaker—21.

Nays—0.

Absent—Gillette and Haskell.

Title agreed to.

House resolved itself into a committee of the whole to consider the general orders.

Mr. Joslyn in the chair.

3 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Joslyn moved for time to report from the committee of the whole.

The speaker appointed as assistant clerk, Miss Kate Childs.

On motion of Hunt the house adjourned until 10 a. m., January 30.

BENJAMIN WEBSTER, Chief Clerk.

SEVENTEENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, January 30, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll called—all members present.

Prayer by the chaplain.

Journal of the sixteenth day read and approved.

Following report of committees were received:

COMMITTEE ON AGRICULTURE, MANUFACTURE AND STOCK-
GROWING.

Mr. Speaker: Your committee to which was referred H. B. No. 8, respectfully report that said bill has been considered and the amendments herewith submitted are proposed and it is recommended that said bill be adopted as amended.

E. H. JOHNSON, Chairman.

H. B. No. 8 with amendments of committee were placed on general orders.

Report of committee on election and territorial affairs:

Mr. Speaker: Your committee on elections and territorial affairs to whom was referred H. B. No. 9 entitled "an act to amend section 1143, and strike out a portion of section 1152, of chapter 67 of compiled statutes of Montana," have duly considered the same and report the same back with the amendmenst herewith submitted with the recomendation that it do pass.

REA, Chairman pro tem.

H. B. No. 9, with amendments, recommended by committee was placed on general orders.

Report of the committee of the whole of January 29.

Mr. Speaker: The committee of the whole of yesterday, the twenty-ninth inst., had under consideration H. B. No. 4, together with the amendments recommended by the committee on ways and means, and report the same back with the recommendation that the bill do not pass.

JOSLYN, Chairman.

H. B. No. 4, with the amendments of the committee of ways and means, was referred to the committee on ways and means on motion of Joslyn.

Following bill was introduced:

By Hunt—H. B. No. 12, entitled a bill for an act to amend
“An act to enable certain cities and towns to incur indebtedness.

H. B. No. 12, read first and second times, and referred to committee on printing.

House resolved itself into committee of the whole to consider the general orders.

Davis in the chair.

House resumed at 12.05 p. m.

Chairman of the committee of the whole reported progress and asked to sit again.

Communication received from the council.

On motion of Joslyn the house took a recess until 2 p. m.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Roll called, all members present.

Following report of the committee of the whole was received.

Mr. Speaker: Your committee of the whole to whom was referred house bills No. 5, 8 and 9 with the amendments of the committee to whom they were referred, report back H. B. No. 5 with the recommendation that it do not pass.

H. B. No. 9 with the recommendation that it be referred to the committee on election and territorial affairs for further consideration.

Also to report progress in respect to H. B. No. 8 and ask leave to sit again.

DAVIS, Chairman.

On motion of Blakely report was received.

On motion of Blakely further consideration of H. B. No. 5 was indefinitely postponed.

House resolved itself into the committee of the whole for further consideration of H. B. No. 8, with the recommendation and amendments of the committee on agricultural, manufacture and stockgrowing. Mr Davis in the chair.

3.35 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Following communications from the council were received:

COUNCIL CHAMBER,
Helena, January 30, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the following notice of bill was given.

By. Brown—A bill relating to the protection of cemeteries and the remains of the dead.

Also, that the following bills have been introduced:

By Middleton—C. B. No. 20, A bill for an act to amend section 255, first division, compiled statutes of Montana, relating to the formation of the jury. Ordered printed.

By Kennedy—C. B. No. 21, A bill to amend sections 1993 and 1995 of the fifth division, general laws of the compiled statutes of Montana, relating to the reports of the supreme court of Montana. Ordered printed.

Respectfully submitted,

JNO. R. EARDLEY, Chief clerk.

COUNCIL CHAMBER,
Helena, January 29, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the following notices of bills have been given in the council:

By Hatch—A bill for an act to amend section 953, fifth division, compiled statutes of Montana, relative to salaries of county treasurers.

By Middleton—A bill for an agricultural and medical college in the territory of Montana.

Also, a bill to provide funds to build, furnish and maintain such college and the appointing of trustees to supervise the construction thereof, and to have control of the funds, to be appropriated therefor.

Also, to return to you H. C. R. No. 4, which passed the council, and to inform you of the appointment as council committee under said resolution of Messrs. Hatch, Kennedy and Thompson, of Silver Bow.

Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

Following notices of bills were given:

By Roberts—*Mr. Speaker:* I hereby give notice that I will on tomorrow introduce a bill for "An act authorizing the conveyance of the dower rights of insane married women."

By Pickman—*Mr. Speaker*: I hereby give notice that I will on the morrow introduce a bill for the protection of fish in the streams of the territory of Montana.

Following report of the committee of the whole was received:

Mr. Speaker: The committee of the whole have had under consideration H. B. No. 8, with the recommendations and amendments of the committee on agriculture, manufacture and stock-growing, and report back the same with the recommendation that the bill do pass with the amendments of the committee on agriculture, manufacture and stock-growing together with the amendments herewith submitted. DAVIS, Chairman.

On motion of Davis the report together with the amendments were adopted.

H. B. No. 8 was referred to committee on engrossment.

On motion of Joslyn house adjourned until 11 o'clock, January 31, 1889. BENJAMIN WEBSTER, Chief Clerk.

EIGHTEENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena. Montana, January 31, 1889.

House met pursuant to adjournment at 11 a. m.

Mr. Speaker in the chair.

Roll called, all the members present.

Prayer by the chaplain.

Journal of the 17th day read and approved.

Following reports were received:

Mr. Speaker: Your committee on engrossment to whom was referred H. B. No. 8, relating to bounties, etc., respectfully report that we have examined the same and return it correctly engrossed. H. D. PICKMAN, Chairman.

SELECT COMMITTEE REPORT.

Mr. Speaker: Your committee to which was referred council bill No. 6, respectfully report that said bill has been considered and it is recommended that it be adopted without amendment.

MOORE, Chairman.

Following notice of bill was given.

By Congdon—*Mr. Speaker*: I hereby give notice that on tomorrow or some subsequent day I will introduce a bill for an act to prevent the killing of buffalo and other large game.

Following bills were introduced.

By Pickman—H. B. No. 13, entitled an act for the protection of fish in the waters of Montana territory.

By Roberts—H. B. No. 4, entitled a bill for an act authorizing the conveyance of the dower rights of insane married women.

House bills Nos. 13 and 14 were read first and second times and referred to printing committee and ordered printed.

H. B. No. 8 was read third time and placed on its final passage.

Following amendment offered by Rea was adopted by unanimous consent of the house:

Amend H. B. No. 8 by striking out all of section 13 after line 14 and substitute in lieu thereof the following:

BOUNTY CERTIFICATE.

.....of Montana, }
County of..... } ss.

I.....Probate Judge of
.....County, do hereby certify that
.....has exhibited to me this.....
day of.....A. D. 18.....the skin of
.....and has filed with me his
affidavit that he killed within sixty days of this date the animal
from which the above mentioned skin.....taken, and that
the same.....killed in the above-named county.

And I further certify that I have carefully examined and
punched the ears of the above-mentioned skin according to law,
in the presence of.....county, whose
name is hereto subscribed.

Witness:

County.....

.....Probate Judge.

On motion of Haskell rules were suspended, and amendment
was considered engrossed and the clerk ordered to insert the
same in the presence of the house.

H. B. No. 8 passed by a unanimous vote:

Ayes—23.

Nays—none.

House resolved itself into committee of the whole to consider
general orders.

Mr. Comfort in the chair.

12.15 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

On motion of Blakely house took a recess until 2 p. m.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—all members present.

Following report of the committee of the whole was received:

Mr. Speaker: Your committee of the whole, to whom was referred C. B. No. 6, have duly considered the same, together with the report of the special committee, and report it back with the recommendation that the bill do pass.

COMFORT, Chairman.

Following notice of bill was given:

By Jones—*Mr. Speaker:* I hereby give notice that on tomorrow, or some subsequent day, I will introduce a bill requiring railroad companies to fence their tracks within the territory of Montana, and to keep said fence in good repair.

Bills were introduced as follows:

By Swiggett—H. B. No. 15, an act entitled an act to provide for the organization, regulation and discipline of the national guard of Montana.

By Roberts—H. B. No. 16, entitled a bill for an act to establish the office of inspector of mines.

On motion of Swiggett rules were suspended, H. B. No. 15 was read first time by title, read second time and referred to committee on printing.

Following communication from the council was received.

COUNCIL CHAMBER,
Helena, Montana, January 31, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that Thompson, of Deer Lodge, has given notice of a bill to define and establish the eastern boundary of Deer Lodge county.

That Brown introduced C. B. No. 22, a bill relating to the protection of cemeteries and the remains of the dead. Ordered printed.

That Hatch introduced C. B. No. 24, a bill to amend section 953, fifth division, general laws of the territory of Montana, relating to the salaries of county treasurers. Ordered printed.

That Thompson of Silver Bow introduced C. B. No. 23, a bill regulating corporations. Ordered printed.

Also to inform you that the council instructed the committee on territorial affairs to co-operate with your special committee in the construction of H. B. No. 6.

Also that the committee on federal relations have introduced C. J. M. No. 8, relative to the admission of Montana into the union, the same being now in general orders. Respectfully submitted,
JOHN R. EARDLEY, Chief Clerk.

C. B. No. 6, read a third time, placed on its final passage and passed unanimously. Ayes 23, Nays none.

Title agreed to.

Following notice of bill was given by permission of the house:

Mr. Speaker: I will on to-morrow or some future day introduce a bill providing for the appointment of probate clerks for the several counties of this territory and for the pay therefor.

BLAKELY.

Following report of committee on printing received:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed H. B. No. 10.

E. E. CONGDON, Chairman.

H. H. No. 10 was referred to committee on judiciary.

On motion of Murray, house adjourned until 10 a. m. February 1st.

BENJAMIN WEBSTER, Chief Clerk.

NINETEENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 1st, 1889.

House met pursuant to adjournment at 10 a. m.

Mr. Speaker in the chair.

Roll called—all members present.

Prayer by the chaplain.

Journal of the eighteenth day read and approved.

By permission of the house following resolution was offered by Moore:

Resolved, That the minutes of each day's proceeding of the house of representatives shall be copied into the journal of the house and be read therefrom on the morning of the succeeding day, and then upon their approval shall be attested by the chief clerk and signed by the speaker.

Following reports were received:

Mr. Speaker: Your committee on ways and means to whom was referred H. B. No. 4, beg leave to report that they have very thoroughly examined and discussed said bill and do most earnestly recommend that the same do pass as amended.

Respectfully submitted,

JOSLYN, Chairman.

H. B. No. 4, with report and amendments was placed on general orders.

Report of committee on elections and territorial affairs.

Mr. Speaker: Your committee on elections and territorial affairs to whom was referred back H. B. No. 9 have duly considered the same and report it back with the recommendation that the substitute herewith submitted be adopted in lieu of the original bill.

REA, Chairman pro tem.

H. B. No. 9, with substitute was placed on general orders.

JUDICIARY COMMITTEE.

Mr. Speaker: Your committee on judiciary, to which was referred C. B. No. 3, an act to amend section 754 of the code of civil procedure, compiled statutes of Montana territory, relative to attachments in justices' courts beg leave to report the same back to this house and recommend that the bill do not pass.

HUNT, Chairman.

C. B. No. 3, with report of committee on judiciary was placed on general orders.

Report of committee on mines and minerals.

Mr. Speaker: Your committee to whom was referred the special message of the Governor, recommending the appointment of a mining inspector, and also to make provisions for sending a commissioner from the territory to the Paris Exposition beg leave to respectfully report; that they have given the message due consideration and appreciate the spirit that prompted our honorable executive in offering the above suggestions, and that we recommend to this honorable body that provisions be made for the carrying out of the same.

ROBERTS, Chairman.

On motion of Willis the report was received.

Following notice of bill was given:

By Congdon—*Mr. Speaker*: I hereby give notice that on tomorrow or some subsequent day I will introduce a bill relative to sale traders, repealing portions of chapter 86 of the compiled statutes of Montana, relating to married women.

E. E. CONGDON.

Following bill was introduced by Haskell:

H. B. No. 17, An act creating a territorial board of equalization, prescribing its duties and certain county officers.

Following communications were received from the council:

COUNCIL CHAMBER,
Helena, Montana, January 31, 1889.

Mr. Speaker: I am directed by the council to return to your honorable body for proper engrossment H. B. No. 8. Also, to inform you that a message was received from his excellency the governor, transmitting the report of the territorial veterinary surgeon, which was referred to the committee on grazing and stockraising. I also have the honor to transmit to you council bills Nos. 4 and 7, the same having passed the council. Also, C. J. M. No. 7, relating to the sale of mineral lands, which also passed the council.

Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

COUNCIL CHAMBER,
Helena, Montana, February 1st, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that Thompson, of Deer Lodge, introduced C. B. No. 25, a bill to define and establish the eastern boundary of Deer Lodge county, and that the same was referred to a special committee composed of Thompson, of Deer Lodge, and Kennedy.

Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

On motion of Joslyn, the vote by which H. B. No. 8 was passed was reconsidered.

On motion of Rea H. B. No. 8 was re-referred to committee on engrossment.

C. B. No. 7 read first and second times and referred to committee on towns, counties and highways.

C. B. No. 4 read first and second times and referred to committee on judiciary.

C. J. M. No. 7 read first and second times and referred to committee on mines and minerals.

H. B. No. 17, on motion of Murray rules were suspended and bill was read first time by its title. Read second time and referred to committee on printing.

On motion of Haskell the rules were suspended and the printing committee were instructed to send the original bill, No. 15, to the printer.

The house resolved itself into the committee of the whole. Mr. Swiggett in the chair.

12 O'CLOCK.

House resumed.

Mr. Speaker in the chair.

Mr. Swiggett, chairman of the committee of the whole, reported progress and asked leave to sit again.

Following report from committee on engrossment:

Mr. Speaker: Your committee on engrossment to whom was referred H. B. No. 8, for the purpose of engrossing an amendment made at third reading, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

On motion of Rea, the rules were suspended, H. B. No. 8 was read for third time by its title, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Garrett, Gillette, Haskell, Johnson, Jones, Moore, Murray, Pickman, Rea, Roberts, Saxton Swiggett, Waite, Willis, Mr. Speaker—21.

Nays—None.

Absent, Hunt and Joslyn.

Title agreed to.

On motion of Joslyn house took a recess until 2 p. m.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Following report of committee on mines and minerals received:

Mr. Speaker: Your committee on mines and minerals to whom was referred C. J. M. No. 7, beg leave to report the same back with the recommendation that it do pass.

ROBERTS, Chairman.

C. J. M. No. 7 was placed on general orders.

House resolved itself into committee of the whole to consider the general orders.

Mr. Swiggett in the chair.

House resumed at 3:15 p. m.

Mr. Swiggett, chairman of the committee of the whole, was granted time to prepare his report.

On motion of Joslyn house adjourned until 11 a. m., February 2d, 1889.

LEE MANTLE, *Speaker*.

BENJAMIN WEBSTER, Chief Clerk.

TWENTIETH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 2, 1889.

House met pursuant to adjournment at 11 o'clock a. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Pickman.

Prayer by the chaplain.

Journal of the nineteenth day read and approved.

Following report of committees received:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed H. B. No. 12.

E. E. CONGDON, Chairman.

H. B. No. 12 was referred to committee on towns, counties and highways.

Report of committee on towns, counties and highways.

Mr. Speaker: Your committee on towns, counties and highways, to whom was referred C. B. No. 7, an act to authorize counties to build free bridges, have considered the same and would report the same back with the recommendation that the same do pass.

GARRETT, Chairman.

C. B. No. 7, with the report of the committee, was placed on general orders.

Report of judiciary committee:

Mr. Speaker: Your judiciary committee, to which was referred C. B. No. 4, a bill for an act to amend section 102, chapter

9, of the fifth division of the compiled laws of Montana, relating to admitting to practice attorneys-at-law, report the same back to the house without recommendation. HUNT, Chairman.

C. B. No. 4, with report of committee, placed on general orders.

Mr. Speaker: Your committee on judiciary, to which was referred H. B. No. 10, an act to provide for the compensation of justices of the peace, report the same back and recommend that the bill with amendments herewith submitted do pass.

HUNT, Chairman.

H. B. No. 10, together with report and amendments of committee, were placed on general orders.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole house, to whom was referred H. B. No. 4, having considered the same, together with the proposed amendments, report the same back with the recommendation that the bill do pass as amended.

Also, that we have considered H. B. No. 9, and report the same back with the recommendation that it be reported back to the committee on elections and territorial affairs for further consideration.

Also, that we have considered C. B. No. 3, and recommend that further consideration of the same be indefinitely postponed.

Also, that we have considered C. J. M. No. 7, and recommend to a special committee to abbreviate. SWIGGET, Chairman.

On motion of Blakely, that portion of the report of the committee of the whole relative to H. B. No. 4 was adopted, and the bill was referred to committee on engrossment.

On motion of Murray, that portion of the same report relative to H. B. No. 9 was adopted, and the bill was referred to committee on elections and territorial affairs.

Joslyn, that, that portion of the same report relative to C. B. No. 3 be adopted.

Blakely moved to amend by re-referring the bill to the committee on judiciary.

Amendment lost, and report adopted.

On motion of Joslyn, that portion of said report relative to C. J. M. No. 7 was adopted, pursuant to which the chair appointed as a select committee to abbreviate C. J. M. No. 7, Messrs. Roberts, Saxton, and Murray.

Following communication received from the council:

COUNCIL CHAMBER,
Helena, Montana, February 2, 1889.

Mr. Speaker: I am directed to transmit to your honorable body C. J. M. No. 8, relating to the admission of Montana into the union, the same having passed the council.

Also, to inform you that Brown gave notice of a bill for an act to repeal sections 1654, 1658, 1659, 1660, 1662, 1663 and 1664, fifth division of the compiled statutes of Montana, relating to the rights of parties occupying the public domain.

Respectfully submitted,

JNO. R. EARDLEY, Chief Clerk.

C. J. M. No. 8, relating to the admission of Montana into the union was read first and second times, and on motion of Davis, referred to committee on elections and territorial affairs.

On motion of Murray, house took a recess until 2 p. m.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Pickman.

House resolved itself into the committee of the whole to consider general orders. Mr. Saxton in the chair.

House resumed at 2:30 p. m.

Mr. Speaker in the chair.

Mr. Saxton, chairman of the committee of the whole was granted further time to report.

Following report of committee on enrollment received:

Mr. Speaker: Your joint committee on enrollment beg leave to report council bill No. 6 as being correctly enrolled.

GILLETTE, Chairman.

The speaker announced that he was about to sign C. B. No. 6.

Following report of the committee on engrossment was received:

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 4, relating to transfer of certain county funds, respectfully report the same back correctly engrossed.

MOORE, Chairman, pro tem.

On motion of Davis house adjourned until 2 p. m., Monday,
February 4.

LEE MANTLE, Speaker.

BENJAMIN WEBSTER, Chief Clerk.

TWENTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 4, 1889.

House met pursuant to adjournment at 2 o'clock p. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Congdon, Carver and Murray.

Prayer by the chaplain.

Journal of the twentieth day read and approved.

Following report of the committee of the whole received.

Mr. Speaker: Your committee of the whole, to whom was referred C. B. No. 7, having duly considered the same, report it back with the recommendation that it be referred back to committee on towns, counties and highways.

Also, relating to H. B. No. 10, that they have duly considered the same and report it back with the recommendation that it do pass, together with the amendment herewith submitted.

SAXTON, Chairman.

On motion of Blakely, that portion of the report relating to C. B. No. 7 was adopted, and C. B. No. 7 was referred to committee on towns, counties and highways.

On motion of Saxton, that portion of the same report relating to H. B. No. 10 was adopted, and H. B. No. 10 was referred to committee on engrossment.

Following notice of bill was given:

By Davis—*Mr. Speaker:* I hereby give notice that I will tomorrow, or some subsequent day, introduce a bill regulating the business of pawnbrokers and junk dealers.

Following bill was introduced by Moore:

H. B. No. 18, a bill for an act to provide for the registration of the names of electors and to prevent frauds at elections.

Flowers moved that the vote by which that portion of the report of the committee of the whole, relating to C. B. No. 3 was adopted, be reconsidered.

Motion lost.

H. B. No. 18, read first and second times and referred to committee on printing and ordered printed.

H. B. No. 4 read for third time, placed on its final passage, and passed by the following vote:

Ayes—Comfort, Davis, Flowers, Gillette, Haskell, Joslyn, Moore, Pickman, Rea, Saxton, Swiggett, Waite, Willis—13.

Nays—Blakely, Garrett, Hunt, Johnson, Jones, Roberts, Mr. Speaker—7.

Absent—Carver, Congdon and Murray—3.

Title agreed to.

Motion by Blakely to adjourn was lost.

On motion of Haskell, C. B. No. 4 was taken from general orders and made a special order for to-morrow, February 5th, at 2 o'clock p. m.

By permission of the house, Flowers was allowed to give following notice of a bill:

Mr. Speaker: I will on to-morrow, or some subsequent day, introduce a bill to amend section 228 of the code of civil procedure.

On motion of Blakely, house adjourned until 10 a. m. February 5th.

LEE MANTLE, *Speaker*.

BENJAMIN WEBSTER, Chief Clerk.

TWENTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 5th, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Joslyn in the chair.

Roll called—quorum present.

Absent on leave, Congdon.

Prayer by the chaplain.

On motion of Hunt, house took a recess for ten minutes.

House resumed.

Mr. Speaker in the chair.

Journal of twenty-second day read and approved.

Following report of committee on engrossment received:

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 10, relating to fees of justices of the peace, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

H. B. No. 10 was placed on the calendar for third reading.

Following notice of bill was given by Hunt:

Mr. Speaker: I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill for an act to provide for a commission to revise and codify the laws of Montana, defining the duties of such commission and fixing the commissioners' salaries.

Following bills were introduced by Flowers:

H. B. No. 19, entitled an act to amend section 228 of the code of civil procedure.

By Hunt—H. B. 20, entitled an act to protect the owners of bottles, boxes and siphons used in the sale of soda waters, mineral or aerated waters, cider, ginger ale or other aerated, non-intoxicating beverages.

Following communication from the council received:

COUNCIL CHAMBER,
Helena, Montana, February 4, 1889.

Mr. Speaker: I am instructed by the council to inform your honorable body that Bickford has given notice of a bill providing for the registration of voters and regulating elections.

That the following bills have been introduced:

By Thompson, of Silver Bow—C. B. No. 26, to prohibit certain gambling games and fixing penalties for violation thereof. Ordered printed.

By Brown—C. B. No. 27, repealing sections 1657, 1658, 1659, 1660, 1661, 1662, 1663, and 1664, of the compiled statutes of Montana territory, fifth division, relating to the rights of parties occupying the public domain. Ordered printed.

By Bickford—C. B. No. 28, to regulate the taking up and care of estray animals and to provide fees and compensation therefor. Ordered printed.

By Collins—C. B. No. 29, to regulate printing and the purchase of blank books and stationery in the several counties of the territory of Montana. Ordered printed.

I am also instructed to transmit to you the following bills which have passed the council:

C. B. No. 11, relating to county attorneys.

C. B. No. 13, relating to legal rate of interest.

C. B. No. 15, relating to the office of police magistrate in incorporated towns and cities.

C. B. No. 16, relating to attachments.

Respectfully submitted, JNO. R. EARDLEY, Chief Clerk.

H. B. No. 19, read first and second times, referred to committee on printing and ordered printed.

On motion of Murray rules were suspended and H. B. No. 20 was read first time by title, read second time, referred to committee on printing and ordered printed.

C. B. No. 11, an act to amend section 845 of chapter 64, fifth division of compiled statutes, relating to county attorneys, and to repeal an act entitled "an act relating to county attorneys," approved September 14, 1887, read first and second times and referred to judiciary committee.

C. B. No. 13, a bill for an act to amend sections 1236, 1237 and 1238, fifth division of the compiled statutes of Montana, relating to legal rate of interest, read first and second times and referred to committee on elections and territorial affairs.

C. B. No. 15, a bill for an act relating to the office of police magistrate in incorporated towns and cities, read first and second time and referred to committee on incorporations.

On motion of Haskell rules were suspended and C. B. No. 16, an act to amend sections 181 and 183 of the fifth division of compiled statutes of Montana, relating to attachments, was read first time by title, read second time and referred to committee on judiciary.

H. B. No. 10, entitled an act to provide for the compensation of Justices of the peace was read for the third time and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Davis, Flowers, Garrett, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Willis, Mr. Speaker—21.

Nays—none.

Absent, Congdon and Gillett.

Title agreed to.

On motion of Johnson, recess was taken until 2 o'clock p. m.

2 O'CLOCK P. M.

House resumed.

On motion of Haskell, Hunt, of Lewis and Clark and Jefferson took the chair.

Roll called—quorum present.

Haskell moved to postpone the consideration of C. B. No. 4; made a special for 2 o'clock p. m., and to replace the same on general orders for February 6th.

Motion lost.

The speaker took the chair.

On motion of Hunt, the house resolved itself into the committee of the whole to consider C. B. No. 4.

Mr. Swiggett in the chair.

House resumed 3:20 p. m.

Mr. Speaker in the chair.

Following report of the chairman of the committee of the whole was received.

Mr. Speaker: Your committee of the whole, to whom was referred C. B. No. 4, having duly considered the same, together with the report of the committee on judiciary, report it back with the recommendation that the bill do pass.

SWIGGETT, Chairman.

On motion of Comfort, report of the committee of the whole was adopted, and C. B. No. 4 was placed on the calendar for third reading.

A petition of 548 names from the residents of Gallatin county, requesting that a law be passed closing all gambling saloons on Sunday, was presented by Blakely, read and referred to committee on towns, counties and highways.

Following report of committee on elections and territorial affairs received.

Mr. Speaker: Your committee on elections and territorial affairs, to whom referred H. B. No. 9 and substitute therefor, have considered the same and report back the same with the recommendation that the amendments herewith submitted be adopted and as so amended it do pass.

REA, Chairman.

H. B. No. 9, together with substitute, amendments and report, was placed on general orders.

Following notices of bills were given:

By Roberts—*Mr. Speaker:* I hereby give notice that I will on tomorrow, or some subsequent day, introduce a bill for an act to amend section 1004 of chapter 58, fifth division of the compiled statutes of Montana.

By Jones—*Mr. Speaker*: I hereby give notice that on tomorrow, or some subsequent day, I will introduce a bill to amend section 241 of chapter 13, criminal laws, to provide punishment of minors frequenting saloons.

Following bills were introduced:

By Haskell—H. B. No. 21, entitled an act to create a territorial board of examiners and prescribing its duties.

By Murray—H. B. No. 22, entitled an act to establish a hospital for the insane.

Following communication from the council received:

COUNCIL CHAMBER,
Helena, Montana, February 5, 1889.

I am directed by the council to inform your honorable body that the following notices of bills have been given:

By Collins—Fixing the compensation of county officers.

By Bickford—Relating to exemption from jury duty. Also, relating to the duties of county surveyors.

I also have the honor to transmit to you C. B. No. 12, an act to amend sections 1297 and 1302 of the fifth division of compiled statutes of Montana, relating to drawing juries, which passed the council. Ayes, 11. Nays, none. Respectfully submitted,
JOHN R. EARDLEY, Chief Clerk.

On motion of Haskell, the rules were suspended and C. B. No. 12 was read first time by title. Read second time and referred to judiciary committee.

On motion of Murray, rules were suspended and H. B. No. 21, was read first time by title, read second time and referred to committee on printing. Ordered printed.

On motion of Haskell, the rules were suspended and H. B. No. 22 was read first time by title, read second time and ordered printed.

C. B. No. 4 read for the third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Flowers, Carrett, Gillette, Haskell, Hunt, Jones, Moore, Murray, Pickman, Roberts, Saxton, Swiggett, Waite, Willis, M. Speaker—19.

Nays—Davis, Johnson, Joslyn—3.

Absent, Rea.

Title agreed to.

On motion of Hunt house adjourned until 11 o'clock a. m.
February 6th.

LEE MANTLE, Speaker.

BENJAMIN WEBSTER, Chief Clerk.

TWENTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 6, 1889.

House met pursuant to adjournment at 11 o'clock a. m.

Mr. Speaker in the chair.

Roll called—all members present.

Prayer by the chaplain.

Journal of twenty-third day read and approved.

Following reports were received:

Mr. Speaker: Your committee on incorporations to whom was referred C. B. No. 15, beg leave to report it back without amendment, and recommend that it do pass.

CARVER, Chairman.

C. B. No. 15, with the report of the committee, placed on general orders.

Report of committee on judiciary:

Mr. Speaker: Your committee on judiciary to whom was referred C. B. No. 11, have duly considered the same and report back the same with the recommendation that the amendments herewith submitted be adopted, and as so amended the bill do pass.

HUNT, Chairman.

C. B. No. 11 with amendments and report of committee placed on general orders.

Report of select committee.

Mr. Speaker: Your special committee to whom was referred C. J. M. No. 7, beg leave to report that after due consideration they recommend the striking out of all the memorial after the word "states" in line eight and offer the following amendment in lieu thereof, "that the mining of minerals being the chief industry of our territory, and notwithstanding the fact, that last year our mineral product approximated forty millions of dollars; we consider the industry practically in its infancy, and such being the facts, it will be readily seen that we offer an almost unlimited field for the profitable investment of capital, and to that end we most respectfully urge favorable action by your honorable body upon senate bill No. 1176, and thus open the field to the free and untrammelled introduction of foreign capital for the purpose of

further developing our mining industry. We fully believe that such action would inure vastly to the general prosperity of our country. And for which your memorialists will ever pray.

Respectfully submitted, ROBERTS, Chairman.

C. J. M. No. 7, with report and amendments of select committee, placed on general orders.

Following notices of bills were given:

By Congdon—*Mr. Speaker*: I hereby give notice that on to-morrow, or some subsequent day, I will introduce a bill for an act to amend chapter 22, fifth division of the compiled statutes of Montana, and the amendments thereto, approved September 14th, 1887.

By Joslyn—*Mr. Speaker*: I hereby give notice that I will on to-morrow, or some subsequent day, introduce a bill for the suppression of lottery schemes.

Following bills were introduced:

By Blakely—H. B. No. 23, entitled an act to provide for the appointment and pay of probate clerks.

By Roberts—H. B. No. 24, entitled an act to amend section 1004, chapter 58, of the compiled statutes of Montana.

By Jones—H. B. No. 25, entitled an act to amend section 241, chapter 13, fourth division criminal laws.

Following communication from the council received:

COUNCIL CHAMBER,
Helena, Montana, February 5th, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that Brown gave notice of a bill amending section 1121, fifth division compiled statutes of Montana, relating to gates and bars.

Also, that Kennedy introduced C. B. No. 30, concerning roads and highways. Ordered printed.

Respectfully submitted,

JOHN EARDLEY, Chief Clerk.

House bills Nos. 23, 24 and 25 read first and second times, referred to printing committee, and ordered printed.

House resolved itself into the committee of the whole.

Mr. Saxton in the chair.

12:40 P. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to make his report.

Following report received:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed H. B. No. 13, for the protection of fish in the streams of Montana territory; introduced by Pickman. Also, H. B. No. 14, authorizing the conveyance of the dower rights of insane married women; introduced by Roberts.

E. E. CONGDON, Chairman.

H. B. No. 13 was referred to committee on elections and territorial affairs.

H. B. No. 14 was referred to committee on judiciary.

On motion of Murray, house took a recess until 2 p. m.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—all members present.

Following report received:

Mr. Speaker: Your committee of the whole have had under consideration H. B. No. 9 with substitute and amendments to substitute, and report back the same with the recommendation that the bill with the substitute and amendments of the committee on elections and territorial affairs, together with the amendments of the committee of the whole be referred to the printing committee and ordered printed as amended.

The committee also have had under consideration C. B. No. 15, and have instructed me to report the same back with the recommendation that the same do pass.

The committee have also had under consideration C. B. No. 11, with amendments, and have instructed me to report the same back, with the recommendation that the bill do pass as amended.

J. E. SAXTON, Chairman.

On motion of Blakely that portion of the report relating to H. B. No. 9, substitute and amendments were adopted, and the same were referred to committee on printing and ordered printed.

On motion of Murray, that part of the report relating to C. B. No. 15, was adopted, and the bill was placed on the calendar for third reading.

Murray moved that that portion of the report relating to C. B. No. 11 be adopted.

Blakely moved to amend by referring the same back to the committee on judiciary.

Motion withdrawn.

Report adopted, and C. B. No. 11 with amendments was referred to committee on engrossment and amendments ordered engrossed.

Report of printing committee:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed H. B. No. 16 for an act to establish the office of inspector of mines; introduced by Roberts.

E. E. CONGDON, Chairman.

H. B. No. 16, referred to committee on mines and minerals.

House resolved itself into the committee of the whole to consider general orders.

Mr. Hunt in the chair.

2.30 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Following report received:

Mr. Speaker: Your committee of the whole, to which was referred C. J. M. No. 7, beg leave to report that they have had the same under consideration and report the same back to the house with the recommendation that the memorial be adopted as amended by the select committee which reported said amendment.

HUNT, Chairman.

On motion of Murray report adopted and C. J. M. No. 7, with amendments, was referred to committee on engrossment and amendments ordered engrossed.

Following report of committee on towns, counties and highways received.

Mr. Speaker: Your committee on towns, counties and highways, to whom was re-referred C. B. No. 7, an act to authorize counties to build free bridges, have considered the same and report it back with accompanying amendments and recommend as so amended the bill do pass.

GARRETT, Chairman.

C. B. No. 7, with amendments, placed on general orders.

By the permission of the house, following joint resolution was introduced by Davis:

H. J. R. No. 5, for the relief of A. C. Logan, J. H. Meyers and R. H. Howey, members of the school text book commission.

H. J. R. No. 5, read first and second times.

On motion of Davis, rules were suspended, the resolution was considered engrossed, read for third time and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Garrett, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Willis, Mr. Speaker—22.

Nays—Moore—1.

Title agreed to.

On motion of Joslyn, house resolved itself into the committee of the whole to consider general orders.

Mr. Joslyn in the chair.

3:30 P. M.

House resumed.

Mr. Speaker in the chair.

Chairman of the committee of the whole was granted time to report.

C. B. No. 15 read for third time, placed on its final passage and passed by a unanimous vote.

Title agreed to.

Following report of the committee of the whole was received:

Mr. Speaker: Your committee of the whole have had under consideration C. B. No. 7, with amendments recommended by the committee on towns, counties and highways, report the same with the recommendation that the bill with amendments be referred to a select committee consisting of members from Gallatin, Park, Jefferson and Meagher counties.

JOSLYN, Chairman.

On motion of Murray report was adopted and C. B. No. 7, with amendments of committee on towns, counties and highways, was referred to a select committee of the members from Galatin, Park, Jefferson and Meagher counties.

Joslyn moved to adjourn until 11 o'clock a. m. February 7th.

Murray moved to amend by adjourning until 10 o'clock a. m.

Amendment lost and original motion carried.

House adjourned until 11 o'clock a. m. February 7th.

LEE MANTLE, *Speaker*.

BENJAMIN WEBSTER, Chief Clerk.

TWENTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 7, 1889.

House met pursuant to adjournment at 11 a. m.

Mr. Speaker in the chair.

Roll called—all members present.

Journal of the twenty-fourth day read and approved.

Following report received:

Mr. Speaker: Your committee on judiciary, to whom was referred C. B. No. 16, relating to attachments, beg leave to report that they have carefully considered the same and report it back with the recommendation that it do not pass.

HUNT, Chairman.

C. B. No. 16 placed on general orders.

Report of printing committee:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed H. B. No. 18, an act to provide for the registration of the names of electors, and to prevent fraud at elections.

Introduced by Moore.

E. E. CONGDON, Chairman.

H. B. No. 18 referred to the committee on elections and territorial affairs.

Report of committee on elections and territorial affairs:

Mr. Speaker: Your committee on elections and territorial affairs, to whom was referred H. B. No. 13, have duly considered the same and report back the same with the recommendation that the bill be placed on general orders.

REA, Chairman pro tem.

H. B. No. 13, with the report of the committee on elections and territorial affairs, were placed on general orders.

Report of engrossing committee:

Mr. Speaker: Your engrossing committee, to whom was referred house amendments to C. B. No. 11, also house amendments to C. J. M. No. 7, respectfully report them back correctly engrossed.

PICKMAN, Chairman.

C. B. No. 11, with amendments, and C. J. M. No. 7, with amendments, were placed on calendar for third reading.

Following notices of bills were given:

By Moore—*Mr. Speaker:* I hereby give notice that I will to-day or some following day introduce a bill entitled an act to repeal all laws relating to the creating of a school text book commission.

By Murray—*Mr. Speaker:* I hereby give notice that I will on to-morrow or some subsequent day introduce a bill for an act to prohibit gambling.

Following bill was introduced:

By Congdon—H. B. No. 26, entitled a bill for an act to amend chapter 22, fifth division of the compiled statutes of Montana, and the amendments thereof, approved September 14th, 1887.

Following messages received:

COUNCIL CHAMBER,
Helena, Montana, February 6, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that Brown introduced C. B. No. 31, relating to gates and bars. Ordered printed.

That H. B. No. 4, to provide for the transfer of certain monies to the general fund, failed to pass the council by the following vote:

Ayes—none.

Nays—10.

Absent—2.

That C. B. No. 1, to establish a territorial board of inspectors for steam boilers, etc., herewith transmitted, passed the council.

Ayes—10

Nays—none.

Absent—2.

Respectfully,

JOHN R. EARDLEY, Chief Clerk.

COUNCIL CHAMBER,
Helena, Montana, February 7, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that C. C. R. No. 9, "That when the two branches of the legislative assembly of Montana, do adjourn on Thursday, February 7, 1889, they adjourn until Monday, February 11, 1889, at 2 p. m.," was introduced by Kennedy, read first and second times, rules suspended, read third time and passed by the following vote:

Ayes—10.

Nays—none.

Absent—2.

And the same is herewith transmitted. Respectfully submitted,
JNO. R. EARDLEY, Chief Clerk.

C. C. R. No. 9, for the adjournment of house and council from February 7th, 1889, to February 11th, 1889, at 2 p. m., read first and second times, Blakely moved to suspend the rules and pass the resolution to its third reading.

Hunt moved to lay the resolution on the table.

Motion carried.

C. B. No. 17, relating to the time when acts of legislature shall take effect, read first and second times and referred to committee on elections and territorial affairs.

On motion of Haskell, rules were suspended and C. B. No. 1, relating to the establishment of a territorial board of inspectors for steam boilers, etc., was read first time by its title; read second time and referred to committee on elections and territorial affairs.

On motion of Joslyn, rules were suspended and H. B. No. 26 was read first time by its title only; read second time, referred to committee on printing and ordered printed.

C. B. No. 11 read third time, with amendments of the house, placed on its final passage, and passed by the following vote:

Ayes—Flowers, Garrett, Gillette, Haskell, Hunt, Johnson, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Mr. Speaker—16.

Nays—Blakely, Carver, Comfort, Congdon, Davis, Jones, Willis—7.

Title agreed to.

On motion of Joslyn, rules were suspended and C. J. M. No. 7, together with amendments, was read for third time by title only, placed upon its final passage, and passed unanimously, as amended.

Title agreed to.

On motion of Rea, house took a recess until 2 p. m.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Comfort.

House resolved itself into committee of the whole to consider general orders.

Mr. Waite in the chair.

3:00 P. M.

House resumed.

Mr. Speaker in the chair.

On motion of Carver, the motion by which C. C. R. No. 9 was laid upon the table was reconsidered.

Blakely moved that the rules be suspended and the resolution passed to its third reading. Motion lost.

Motion by Joslyn, that the house adjourn until to-morrow at 11 o'clock a. m., was lost.

Motion by Davis, that C. C. R. No. 9 be laid upon the table, was lost.

On motion of Murray, house adjourned until to-morrow, February 8th, 10 a. m.

LEE MANTLE, *Speaker*.

BENJAMIN WEBSTER, Chief Clerk.

TWENTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 8, 1889.

House met pursuant to adjournment at 10 a. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Blakely, Comfort, Congdon, Johnson, Murray, Pickman and Waite.

Prayer by the chaplain.

Journal of the twenty-fifth day read and approved,

Following notice of bill was given by Hunt:

Mr. Speaker: I hereby give notice that I will on tomorrow, or some subsequent day, introduce a bill to amend section 4 of an act concerning stenographer of the district courts.

Following bills were introduced.

By Hunt—H. B. No. 27, entitled an act relating to county treasurers.

By Moore—H. B. No. 28, entitled an act to repeal all laws relating to the creating of a text-book commission.

Following communication from the council received:

COUNCIL CHAMBER,
Helena, Montana, February 7, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the council have concurred in house amendments to C. J. M. No. 7, relating to the sale of mineral lands to aliens.

Also, to C. B. No. 11, relating to county attorneys.

That the following bills were introduced:

By Bickford—C. B. No. 32, relating to exemptions from jury duty.

Ordered printed.

Also, C. B. No. 33, relating to duties of county surveyors.

Ordered printed.

I have, also, the honor to transmit to you C. B. No. 26, to prohibit certain gambling games and fixing penalties for violation thereof, which passed the council this day. Ayes 9; nays 2. Absent, 1.

Respectfully submitted,

JNO. R. EARDLEY, Chief Clerk.

On motion of Rea rules were suspended and council bill No. 26, to prohibit certain gambling games and fixing the penalties for violation thereof, was read first time by title only; read second time and referred to committee on ways and means.

On motion of Hunt rules were suspended and house bill No. 27 was read first time by title only; read for the second time, referred to the committee on printing and ordered printed.

House bill No. 28 read first and second times, referred to printing committee and ordered printed.

Leave of absence was granted to the engrossing and enrolling clerk until Monday, February 10th at 4 o'clock p. m.

On motion of Hunt the house took a recess until 2 p. m.

2:00 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Blakkely, Comfort, Congdon, Johnson, Murray and Pickman.

Following report received:

Mr. Speaker: Your committee on election and territorial affairs, to whom was referred C. B. No. 13, have duly considered the same and report the same back without recommendation.

Your committee have also had under consideration C. B. No. 17, and report back the same with the amendments herewith submitted and recommend that the bill as amended do pass.

REA, Chairman pro tem.

C. B. No. 13 and C. B. No. 17 were placed on general orders, with report and amendments of committee.

Report of committee on towns, counties and highways:

Mr. Speaker: Your committee on towns, counties and highways, to whom was referred H. B. No. 12, an act to amend an act to enable certain cities and towns to incur indebtedness, have considered the same and report the same back with the recommendation that it do pass.

GARRETT, Chairman.

H. B. No. 12, with the report, was placed on general orders.

Report of the committee of the whole of February 7.

Mr. Speaker: Your committee of the whole have had under consideration C. B. No. 16, and herewith report the same back with the recommendation that the same do not pass. The committee have also had under consideration H. B. No. 13, and have instructed me to report the same back with the recommendation the same be referred to a select committee of five from Jefferson, Beaverhead, Gallatin, Madison and Missoula counties.

WAITE, Chairman.

On motion of Joslyn that portion of report relating to C. B. No. 16 and H. B. No. 13 was received, and H. B. No. 13 was referred to a select committee of five, consisting of Messrs. Swiggett, Willis, Flowers, Comfort and Jones.

C. B. No. 16 read third time, placed on its final passage and lost by the following vote:

Ayes—none.

Nays—Blakely, Carver, Davis, Flowers, Garrett, Gillette, Haskell, Hunt, Jones, Joslyn, Moore, Rea, Roberts, Saxton, Swiggett, Willis and Mr. Speaker—17.

Absent—6.

Joslyn moved that the vote by which C. B. No. 16 was lost be reconsidered.

On motion of Davis the motion to reconsider was laid on the table.

House resolved itself into the committee of the whole to consider general orders.

Mr. Swiggett in the chair.

3.25 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Following report of the chairman of the committee of the whole received:

Mr. Speaker: The committee of the whole, to whom was referred C. B. No. 17 with amendments, recommended by the committee on elections and territorial affairs, report back the same with the recommendation that as so amended the bill do pass.

Also, that they have had under consideration C. B. No. 13, and report back the same with the recommendation that the bill do not pass.

SWIGGETT, Chairman.

On motion of Rea that portion of the report relating to C. B. No. 17 and amendments of committee on elections and territorial affairs was adopted, and bill with amendments was referred to committee on engrossment, and amendments were ordered engrossed.

On motion of Joslyn that portion of report relating to C. B. No. 13, was received and the bill placed on calendar for third reading.

On motion of Rea, that portion of the report relating to H. B. No. 12 was received and bill referred to committee on engrossment and ordered engrossed.

On motion of Swiggett, the house adjourned until 2 p. m.
February 11th.

LEE MANTLE, *Speaker*.

BENJAMIN WEBSTER, Chief Clerk.

TWENTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 11th, 1889.

House met pursuant to adjournment at 2 p. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Johnson, Moore, Pickman and Roberts.

Following reports received:

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 12, to enable cities to incur indebtedness and house amendments to C. B. No. 17, respectfully report them back correctly engrossed. GARRETT, Chairman, pro tem.

H. B. No. 12 and C. B. No. 17, with amendments, were placed on the calendar for third reading.

Report of printing committee:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed H. B.'s Nos. 17, 23 and 25.

CONGDON, Chairman.

H. B. No. 17 was referred to committee on elections and territorial affairs.

H. B. No. 23 was referred to committee on ways and means.

H. B. No. 25 was referred to committee on judiciary.

Following notices of bills were given:

By Willis—*Mr. Speaker*: I hereby give notice that I will on to-morrow, on some subsequent day, introduce a bill to amend an act relating to the licensing of retail liquor sellers.

By Hunt—*Mr. Speaker*: I hereby give notice that I will on to-morrow, or some subsequent day, introduce a bill for an act concerning mortgage, trust, safe deposit and security associations.

H. B. No. 12 read for the third time and placed on its final passage, and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Flowers, Garrett, Haskell, Hunt, Jones, Joslyn, Murray, Rea, Saxton, Swiggett, Waite, Willis, Mr. Speaker—17.

Nays—Davis and Gillette—2.

Title agreed to.

Absent—Johnson, Moore, Pickman, Moore—4.

C. B. No. 13 read for third time.

2:30 O'CLOCK P. M.

The speaker called Mr. Saxton to the chair.

By unanimous consent of the house, Mantel moved that C. B. No. 13 be amended by striking out the word "eight" wherever it occurred in the bill and inserting in lieu thereof the word "ten."

Blakely moved to indefinitely postpone the further consideration of C. B. No. 13.

Motion of Mantle carried.

Garrett moved to lay the bill and motion on the table.

Mantle called for a vote of the ayes and nays.

Motion lost by the following vote:

Ayes—Blakely, Congdon, Flowers, Garrett, Jones, Saxton, Swiggett—7.

Nays—Carver, Comfort, Davis, Gillette, Haskell, Hunt, Joslyn, Murray, Rea, Waite, Willis, Mr. Speaker—12.

Absent—Johnson, Moore, Pickman, Roberts—4.

On motion of Jolyn the rules were suspended and amendment to C. B. No. 13 was considered engrossed.

Mantel moved to indefinitely postpone C. B. No. 13.

Hunt called for the ayes and nays.

Motion carried by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Flowers, Garrett, Gillette, Hunt, Jones, Rea, Saxton, Swiggett, Waite, Willis, Mr. Speaker—15.

Nays—Davis, Haskell, Joslyn, Murray—4.

Absent—Johnson, Moore, Pickham, Roberts—4.

Mantle gave notice that on the morrow at 3 p. m. he would move to reconsider the vote by which C. B. No. 13 was indefinitely postponed.

3:45 O'CLOCK P. M.

Mr. Speaker in the chair.

C. B. No. 13 was read a third time and placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Flowers, Davis, Garrett, Gillette, Haskell, Hunt, Jones, Joslyn, Murray, Rea, Saxton, Swiggett, Waite, Willis, Mr. Speaker—19.

Nays—none.

Absent—Johnson, Moore, Pickman, Roberts—4.

Title agreed to.

On motion of Blakely, house adjourned until 10 a. m, February 12th.

LEE MANTLE, *Speaker*.

BENJAMIN WEBSTER, Chief Clerk.

THIRTIETH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 12, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll called—all members present.

Prayer by the chaplain.

Journal of the twenty-ninth day read and approved.

The certificate of election of Hon. F. S. Whitney was presented and referred to the committee on elections and territorial affairs.

Following report received:

Mr. Speaker: Your committee on elections and territorial affairs to which was referred the credentials of Hon. F. S. Whitney, beg leave to report that they have duly examined the same and find that he is entitled to a seat as representative of Yellowstone county from the commencement of the sixteenth legislative assembly.

REA, Chairman pro tem.

On motion of Blakely report was adopted.

On motion of Joslyn the chief clerk was directed to wait upon the Hon. Chief Justice of Montana and request him to administer the oath.

His honor appeared upon the floor of the house and administered the following oath:

UNITED STATES OF AMERICA, }
 TERRITORY OF MONTANA. } ss.

I do solemnly swear that I will support, protect and defend the constitution of the United States, and the organic act of the territory of Montana, and that I will discharge the duties of my office with fidelity; that I have not paid or contributed, or promised to pay or contribute, either directly or indirectly, any money or other valuable thing to procure my nomination or election, except for necessary and proper expenses expressly authorized by law, that I have not knowingly violated any election law of this territory, or procured it to be done by others in my behalf: that I will not knowingly receive, directly or indirectly, any money or other valuable thing for the performance or non-performance of any act or duty pertaining to my office other than the compensation allowed by law.

Four petitions of ninety-eight names in all were presented by Flowers from the residents of Madison county requesting the separation of a portion of that county and the attaching of the same to Gallatin county.

On motion of Blakely and Swiggett the reading at length of the two petitions was omitted.

Blakely moved that the petitions be referred to a special committee consisting of the members from the counties interested. Motion lost.

On motion of Joslyn the petitions were referred to committee on towns, counties and highways.

Following report received:

Mr. Speaker: Your committee on education, labor and federal relations, to whom was referred the report of the text book commission, as required in sections 1,938, 1,939 and 1,940 of the school laws of Montana, beg leave to report that they have had the same under consideration and respectfully submit the following:

Your committee, recognizing the necessity that exists for a change in the present series of text books now in use in the schools of the territory, and believing the suggestions of the said text book commission in general, as to the particular series of text books to be now adopted, are for the best interests of education in the territory, recommend the adoption of said report, with the following exceptions:

Strike out Greene's elementary grammar and Shoup's speller and insert Barne's No. 1 language lessons.

MURRAY, Chairman.

On motion of Congdon report was received and placed on file.

Report of committee on printing:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed, house bills Nos. 19, 21 and 28.

CONGDON, Chairman.

H. Bs. Nos. 19 and 28 were referred to committee on judiciary.

H. B. No. 21 was referred to committee on elections and territorial affairs.

Following report of committee on enrollment was received:

Mr. Speaker: Your committee on enrollment beg leave to report that C. J. M. No. 7, C. B. No. 11, C. B. No. 4, and an act relating to the office of police magistrate in incorporated towns and cities are correctly enrolled, and that C. B. No. 6 defining the boundaries of Missoula, Deer Lodge, Beaverhead and Silver Bow counties was handed to the governor for his consideration at 3.30 p. m., Wednesday, February 6, 1889.

GILLETTE, Chairman.

Following bills were introduced:

By Hunt—H. B. No. 29, entitled an act concerning mortgage, trust, safe deposit and security associations.

By Willis—H. B. No. 30, entitled an act to amend section 1346 of the fifth division, code of general laws, compiled statutes of Montana, relating to the licensing of retail liquor sellers.

By Davis—By consent of the house without previous notice:

H. B. No. 31, entitled an act to repeal section 206, chapter 11, compiled statutes of the territory of Montana.

By Congdon—By consent of the house without previous notice.

H. B. No. 32, entitled an act concerning married women and repealing sections 1440, 1441, 1443, 1445 and 1448, of chapter 86, compiled statutes of Montana.

Following communication from the council received:

COUNCIL CHAMBER,

Helena, Montana, February 11, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that Brown has given notice of a bill requiring county commissioners to provide a road docket and defining the county recorder's duties in relation thereto. That Cole introduced C. C. R. No. 10, relative to adjournment sine die, on February 25th inst.

Referred to the committee on ways and means.

I am also directed to transmit to you C. B. No. 19, relating to vagrants and the punishment thereof, which passed the council unanimously.

Also, C. B. No. 20, relating to the formation of the jury, which passed the council unanimously. Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

On motion of Haskell, rules were suspended, C. B. No. 19 was read first time by title only; read second time and referred to committee on judiciary.

On motion of Murray, rules were suspended, C. B. No. 20 was read first time by title only; read second time and referred to committee on judiciary.

On motion of Haskell, rules were suspended, H. B. No. 29 was read first time by title only; read second time and referred to printing committee and ordered printed.

H. B. No. 30 read first and second times, referred to committee on printing and ordered printed.

On motion of Congdon, H. B. No. 32 was read first time by title only; read second time and referred to committee on printing and ordered printed.

The speaker announced that he was about to sign council bills Nos. 4, 11 and 15 and C. J. M. No. 7.

On motion of Murray, house took a recess until 2 p.

2:00 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

On motion of Saxton, house took a recess until 2:30 p. m.

2:30 P. M.

House resumed.

Mr. Speaker in the chair.

On calling the roll it was found that a quorum was not present and a further recess was taken until 2:40 p. m.

2:40 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—all members present.

Following report was received:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed house bills Nos. 9, 15 and 24.

CONGDON, Chairman.

Substitute for H. B. No. 9 as amended and printed was referred to committee on elections and territorial affairs.

H. B. No. 24 was referred to judiciary committee.

H. B. No. 15 was referred to committee on military affairs.

3:00 P. M.

Saxton moved to reconsider the vote by which C. B. No. 13 was indefinitely postponed.

Motion lost by following vote:

Ayes—Comfort, Garrett, Hunt, Johnson, Pickman, Roberts, Saxton, Swiggett, Whitney, Willis, Mr. Speaker—11.

Nays—Blakely, Carver, Congdon, Davis, Flowers, Gillette, Haskell, Jones, Joslyn, Moore, Murray, Rea, Waite—13.

Following communication from the council was received:

COUNCIL CHAMBER,
Helena, Montana, February 12, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that H. J. R. No. 5, for the relief of A. C. Logan, J. H. Meyers and R. H. Howey, members of the school text book commission, has passed the council unanimously, and the same is hereby returned to you.

Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

H. J. R. No. 5 was referred to committee on enrollment.

Report of committee on elections and territorial affairs:

Mr. Speaker: Your committee on elections and territorial affairs, to whom was referred H. B. No. 18, an act concerning the registration of voters, beg leave to report that they have had the same under consideration and report the same back to the house with the recommendation that as amended it do pass.

REA, Chairman pro tem.

Haskell moved that the reading of amendments of the committee on elections and territorial affairs to H. B. No. 18 be dispensed with, and the house resolve itself into the committee of the whole to consider H. B. No. 18, with report and amendments of the committee on elections and territorial affairs.

Motion carried.

House resolved itself into committee of the whole to consider H. B. No. 18, with the report and amendments of the committee on elections and territorial affairs.

Mr. Murray in the chair.

4.45 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time until tomorrow morning to make his report.

On motion of Hunt house adjourned until 10 o'clock tomorrow morning.

LEE MANTLE, Speaker.

BENJAMIN WEBSTER, Chief Clerk.

THIRTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 13, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll called, all members present.

Prayer by the chaplain.

Journal of the thirtieth day read and approved.

Following report received:

Mr. Speaker: Your special committee to whom H. B. No. 13, relating to the protection of fish, beg leave to report that they have carefully considered the same in connection with the mining and farming interests of Montana, and recommend it do not pass.

SWIGGETT, Chairman.

H. B. No. 13 and report of select committee were placed on general orders.

Following report of select committee:

Mr. Speaker: Your select committee appointed to confer with council committee having in charge C. B. No. 9, regulating

the practice of medicine in the territory of Montana, would respectively report having had such conference. The joint committee thus formed have considered H. B. No. 6 and C. B. No. 9, and have from them formulated a bill which is herewith submitted with the recommendation that it do pass.

PICKMAN, Chairman.

On motion of Haskell rules were suspended and the reading of substitute at length was omitted.

Report of select committee and substitute for H. B. No. 6 was placed on general orders.

Reports of enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report that C. B. No. 4, concerning the admission of women to the practice of the law, C. B. No. 11, concerning county attorneys, and C. B. No. 15, providing for justices of the peace acting as police magistrates under certain circumstances, were handed to the governor for his consideration at 4:50 p. m., February 12th, 1889.

GILLETTE, Chairman.

Mr. Speaker: Your joint committee on enrollment to whom was referred H. J. R. No. 5, for the relief of the text book commission, respectfully report the same back correctly enrolled.

GILLETTE, Chairman.

Following report of committee on elections and territorial affairs was received:

Mr. Speaker: Your committee to whom was referred H. B. No. 9, have duly considered the same and report it back with the recommendation that it do pass.

F. S. WHITNEY, Chairman.

H. B. No. 9 with substitute as printed placed on general orders.

Report of the committee of the whole.

Mr. Speaker: The committee of the whole to whom was referred H. B. No. 18, together with the amendments reported by the committee on elections and territorial affairs, have duly considered the same and report back the same with amendments and recommend that as so amended (by the committee on elections and territorial affairs and by the committee of the whole) the bill do pass.

MURRAY, Chairman.

On motion of Hunt, report was received and amendments of the committee of the whole were adopted.

By unanimous consent of the house Moore offered the following amendments to H. B. No. 18, "amend line 13, section 15, by striking out the words territorial prison and insert in lieu thereof

the word penitentiary; also, amend line 29, section 16, by striking out the words territorial prison and insert in lieu thereof the word penitentiary."

Amendments adopted and H. B. No. 18, with amendments of the committee of the whole and of Moore, were referred to the committee on engrossment and ordered engrossed.

On motion of Haskell, the engrossing and enrolling clerk was instructed to furnish a copy of H. B. No. 18, as engrossed, to the printing committee for the purpose of having 200 copies of the bill printed.

Following resolution was introduced without previous notice by Haskell:

H. J. R. No. 6, authorizing the publication of an official map of the territory of Montana.

Without previous notice following bill was introduced by Comfort:

H. B. No. 33, entitled an act to prevent swine from running at large.

H. J. R. No. 6 read first and second times and referred to committee on elections and territorial affairs.

H. B. No. 33 read first and second times, referred to printing committee and ordered printed.

House resolved itself into the committee of the whole to consider general orders.

Mr. Congdon in the chair.

12.15 O'CLOCK P. M.

House resumed

Mr. Speaker in the chair.

Congdon was granted further time to report from the committee of the whole.

On motion of Murray a recess was taken until 2 p. m.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Roll called, all members present.

The speaker announced that he was about to sign H. J. R. No. 5.

House resolved itself into committee of the whole to consider general orders.

Mr. Waite in the chair.

2:50 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Following report was received:

Mr. Speaker: The committee on engrossment to whom was referred H. B. No. 18, would respectfully report that they have examined the same and find it correctly engrossed.

H. D. PICKMAN.

H. B. No. 18 was placed on calendar for its third reading.

Following communication from the council was received:

COUNCIL CHAMBER,
Helena, Montana, February 13th, 1889.

Mr. Speaker: I am instructed by the council to transmit to your honorable body C. J. M. No. 11, relating to Fort Ellis Military reservation, which passed the council unanimously.

Respectfully submitted, JNO. R. EARDLEY, Chief Clerk.

C. J. M. No. 11 was read first and second times.

Blakely moved that the rules be suspended and the memorial be read a third time and placed on its final passage. Motion lost.

On motion of Hunt, memorial was referred to committee on elections and territorial affairs with instructions to report as soon as possible.

Following report of the committee of the whole, of the forenoon was received.

Mr. Speaker: Your committee of the whole to whom was referred H. B. No. 9, with substitute and amendments have duly considered the same and report back the same with the recommendation that the amendments herewith submitted together with the substitute and amendments to the substitute, be adopted and that as so amended the bill do pass.

E. E. CONGDON, Chairman.

On motion of Joslyn the report of the committee and amendments to substitute to H. B. No. 9 were adopted.

Joslyn offered following amendment:

Move to amend by striking out the words "Elk, Rocky Mountain goat, and mountain sheep" in section 1, and insert the same in section 2 after the words "black tail deer."

Motion lost.

Substitute to H. B. No. 9 with amendments of committee of the whole was referred to committee on engrossment.

Following report of the committee of the whole was received:

Mr. Speaker: Your committee of the whole, to whom was referred H. B. No. 13, with amendments, have duly considered the same and recommend that the bill do not pass.

Also, that they have had under consideration H. B. No. 6, together with the substitute recommended by the special committee, and recommend that the substitute with the amendments herewith submitted be adopted, and as so amended the bill do pass.

WAITE, Chairman.

On motion of Swiggett that portion of the report relating to H. B. No. 13 was received and the bill was referred to committee on engrossment.

On motion of Swiggett that portion of the report relating to substitute to H. B. No. 6 and amendments thereto was adopted and substitute and amendments were referred to committee on engrossment.

Following report of committee on ways and means was received:

Mr. Speaker: Your committee on ways and means, to whom was referred C. B. No. 26, entitled a bill for an act to prohibit certain gambling games, and fixing penalties for the violation thereof, beg leave to report the following substitute with the commendation that the same do pass.

C. D. JOSLYN, Chairman.

On motion of Joslyn report was received, substitute read and placed on general orders.

Following report from committee on elections and territorial affairs:

Mr. Speaker: Your committee on elections and territorial affairs beg leave to report that they have had C. J. M. No. 11, relating to the Fort Ellis military reservation, under consideration and report the same back to the house and recommend that it be adopted.

F. S. WHITNEY, Chairman.

On motion of Congdon, the report was received.

Johnson moved that the rules be suspended and C. J. No. 11 be read for the third time and placed on its final passage.

On motion of Blakely, the memorial was recommitted to the committee on elections and territorial affairs with instructions to report forthwith.

On motion of Swiggett, house took a recess for fifteen minutes.

4:30 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Following report of committee on elections and territorial affairs was received.

Mr. Speaker: Your committee on elections and territorial affairs beg leave to report that they have had C. J. M. No. 11 under consideration and report herewith as a substitute therefor the following concurrent resolution and recommend that it do pass.

F. S. WHITNEY, Chairman.

On motion of Blakely, report was received.

On motion of Murray, rules were suspended and H. J. R. No. 7 was read for the first time by title only, and read the second time.

On motion of Hunt, rules were suspended and H. J. R. No. 7 was considered engrossed, read a third time, placed on its final passage, and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Garrett, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—22.

Absent—Flowers, Gillette—2.

Title agreed to.

Rules were suspended and H. B. No. 18, providing for the registration of the names of electors and to prevent fraud at elections, was read third time by title, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Garrett, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—22.

Absent—Flowers Gillette—2.

Title agreed to. On motion of Rea house adjourned.

LEE MANTLE, *Speaker*.

BENJAMIN WEBSTER, Chief Clerk.

THIRTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 14, 1889.

House met pursuant to adjournment at 10 a. m.

Mr. Speaker in the chair.

Prayer by the chaplain.

Journal of the thirty-first day read and approved.

Following reports were received:

Mr. Speaker: Your committee on engrossment of whom was requested an extra copy of H. B. No. 18, relating to registration of voters, for printing committee, respectfully report that we have furnished the printing committee with a correct copy of said bill.
PICKMAN, Chairman.

Mr. Speaker: Your committee on engrossment to whom was referred H. B. No. 9, for protection of game and fish, H. B. No. 6, relating to licensing physicians, respectfully report that we have examined the same and return them correctly engrossed.
PICKMAN, Chairman.

H. B. No. 6 and H. B. No. 9 were placed on the calendar for a third reading.

Report of printing committee:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed H. B. No. 27, for an act relating to county treasurers. Introduced by Hunt.
E. E. CONGDON, Chairman.

H. B. No. 7 was referred to committee on ways and means.

Report of committee on judiciary:

Mr. Speaker: Your committee on judiciary to which was referred the following bills, beg leave to report the same back to the house with the following recommendations:

House bill No. 28, an act to repeal all laws creating text book commission, with recommendation that it do not pass.

H. B. No. 25, an act to amend section 241, chapter 13, fourth division criminal laws, relating to minors in saloons, with the recommendation that it do pass.

H. B. No. 24, an act to amend section 1004, of chapter 58 of the compiled statutes of Montana, concerning alimony in divorce cases, with the recommendation that it do pass.

H. B. No. 19, an act to amend section 228 of the code of civil procedure, concerning executions, with the recommendation it do not pass.

C. B. No. 19, an act entitled an act to amend sections 242 and 246, fourth division criminal laws, concerning vagrants, with the recommendation that it do not pass. HUNT, Chairman.

H. B. No. 19, C. B. No. 19, H. B. No. 24, H. B. No. 25, H. B. No. 28, were placed on general orders.

By consent of the house Roberts introduced without previous notice H. B. No. 34, entitled, "a bill for and act to amend section 1477, 1478, 1479, 1483, 1485 and 1486 of the fifth division, compiled statutes of Montana, relating to the location and recording of mineral claims."

Following communications from the council received:

COUNCIL CHAMBER,
Helena, Montana, February 13, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the council refuses to concur in the house amendments to C. B. No. 17, relating to the time when acts of the legislature shall take effect and that Messrs. Middleton, Brown and Bickford have been appointed a committee of conference to confer with a like committee of the house on said amendments.

Respectfully submitted, JNO. R. EARDLEY, Chief Clerk.

COUNCIL CHAMBER,
Helena, Montana, February 13, 1889.

Mr. Speaker: I am instructed by the council to inform your honorable body that Thompson, of Deer Lodge, has given notice of the following bills:

To amend section 604 of the fifth division compiled statutes of Montana, relating to assessment life insurance companies.

To amend sections 2031, 2032, 2033, 2034, 2037 and 2038, fifth division of the compiled statutes of Montana, relating to town and village sites and plats.

To establish a series of text books in the public schools of Montana.

To provide for the preparation of county maps.

Respectfully submitted,

JOHN EARDLEY, Chief Clerk.

Johnson moved that a special committee of three be appointed to confer with the committee appointed by the council, on C. B. No. 17, with house amendments thereto. Motion carried.

In pursuance with which, the speaker appointed Messrs. Johnson, Murray and Moore.

The member from Fergus county was granted leave of absence until Tuesday, February 19th inst.

On motion of Hunt, rules were suspended and H. B. No. 34 read first time by title only; read second time and referred to committee on printing and ordered printed.

H. B. No. 9 was read third time, placed on its final passage, and passed by the following vote:

Ayes—Blakely, Carver, Congdon, Davis, Flowers, Garrett, Gillette, Haskell, Hunt, Moore, Murray, Pickman, Roberts, Swiggett, Whitney, Willis, Mr. Speaker—17.

Nays—Comfort, Johnson, Jones, Josleyn, Rea, Saxton—6.

Absent, Waite—1.

Title agreed to.

Haskell moved that the rules be suspended and substitute to H. B. No. 6 be read for the third time by title. Motion lost.

Substitute for H. B. No 6 was read for the third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Garrett, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Willis, Mr. Speaker—22.

Nays—Whitney—1.

Absent, Waite—1.

Title agreed to.

House resolved itself into the committee of the whole to consider general orders. Mr. Rea in the chair.

12:30 P. M.

House resumed.

Mr. Speaker in the chair.

Following report of committee on engrossment:

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 13, relating to screens and water ditches, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

H. B. No. 13 was placed on calendar for third reading.

The chairman of the committee of the whole, which had under consideration C. B. No. 26 and house substitute therefor, reported progress and asked leave to sit again.

On motion of Moore a recess was taken until 2 p. m.

2:00 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Waite.

House resolved itself into committee of the whole to consider general orders.

Mr. Rea in the chair.

4:15 P. M.

House resumed.

Mr. Speaker in the chair.

On motion of Joslyn, the further consideration of general orders was postponed until the regular order tomorrow.

Following message from the council was received:

COUNCIL CHAMBER,
Helena, Montana, February 14, 1889.

Mr. Speaker: I am instructed by the council to inform your honorable body that the council has laid on the table H. C. R. No. 7, relating to the Fort Ellis military reservation.

That the following notice of bill was given this day:

By Olds—A bill in relation to the appointment of deputy clerks and recorders for mining districts.

That the following bills were introduced:

By Brown—C. B. No. 24, requiring the county commissioners to provide books for road dockets and defining the county recorder's duties in relation to.

By Thompson, of Deer Lodge—C. B. No. 35, to establish a series of text books for the public schools.

C. B. No. 37, to amend section 604 of the fifth division of compiled statutes of Montana territory, relating to assessment life insurance companies.

C. B. No. 36, to amend sections 2031, 2032, 2033, 2034, 2037 and 2038, of the fifth division of the compiled statutes of Montana relating to town and village sites and plats.

All of which were ordered printed.

Respectfully submitted, JNO. R. EARDLEY, Chief Clerk.

On motion of Haskell, the speaker of the house was instructed to telegraph Hon. J. H. Toole the substance of H. C. R. No. 7.

The chairman of the committee of the whole asked further time to report.

Following report of committee on printing was received:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed, H. H. No. 26, for an act to amend chapter 22, fifth division of the compiled statutes of Montana and the amendments thereto. Approved September 14, 1887, relating to municipal corporations.

E. E. CONGDON, Chairman.

H. B. No. 26 was referred to committee on judiciary.

By permission of the house, Blakely gave notice of a bill as follows:

Mr. Speaker: I will on tomorrow or some future day introduce a bill relating to the closing of certain business houses and places of public resort on Sunday.

On motion of Blakely, the house adjourned until 11 a. m., February 15.

BENJAMIN WEBSTER, Chief Clerk.

LEE MANTLE, Speaker.

THIRTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 15, 1889.

House met pursuant to adjournment at 11 o'clock a. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Congdon and Waite.

Journal of the thirty-second day read and approved.

Three petitions containing in all 186 names were presented by Garrett from the residents of the western portion of Choteau county asking for the creation of the new county of Teton.

On motion of Garrett the reading of the second and third petitions were omitted, and the petitions referred to the committee on towns, counties and highways.

Following reports were received:

Mr. Speaker: Your committee on towns, counties and highways, to which was referred a petition from thirty-two citizens of Madison county, asking for the annexation of a certain portion of that county to Gallatin, have considered the same and recommend the introduction of a bill in accordance with said petitions.

GARRETT, Chairman.

On motion of Blakely the report was received.

Report of the committee on enrollment:

Mr. Speaker: Your joint committee on enrollment beg leave to report that house joint resolution No. 5, for the relief of A. C. Logan, J. H. Meyers and R. H. Howey, was handed to the governor for his consideration at 12.10 p. m., February 14, 1889.

GILLETTE, Chairman.

Report of committee on military affairs:

Mr. Speaker: Your committee on military affairs desire to report that they have examined H. B. No. 15, relative to organization, regulation and discipline of the national guard of Montana, and recommend that it do pass. SWIGGETT, Chairman.

H. B. No. 15, with report of committee, was placed on general orders.

Report of committee on election and territorial affairs:

Mr. Speaker: Your committee on election and territorial affairs, to whom was referred H. J. R. No. 6, beg leave to report the same back with the recommendation that it do not pass.

F. S. WHITNEY, Chairman.

H. J. R. No. 6, with report of committee, was placed on general orders.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole house, to whom was referred C. B. No. 26, a bill for an act to prohibit certain gambling games, together with the substitute reported by the house committee on ways and means, have directed me to report the same back to the house with the recommendation that C. B. No. 26 be amended by striking out all after the enacting clause and inserting in lieu thereof the substitute reported by the house committee on ways and means, together with the amendments thereto adopted by the committee of the whole.

Also, they have had under consideration H. B. No. 28 and report back the same with the recommendation that it do not pass.

Also they have had under consideration H. H. No. 25 and recommend that it do pass.

REA, Chairman.

On motion of Garrett, that portion of the report relating to C. B. No. 26 and amendments was adopted.

On motion of Swiggett, that portion of the report relating to H. B. No. 28 was adopted.

On motion of Blakely, that portion of the report relating to H. B. No. 25 was received.

C. B. No. 26, with amendments, was referred to committee on engrossment with instructions that the amendments be engrossed.

H. B. No. 25 was referred to committee on engrossment and ordered engrossed.

On motion of Joslyn, H. B. No. 28 was indefinitely postponed.

Following notices of bills were given:

By Moore—*Mr. Speaker*: I hereby give notice that I will to-day or some subsequent day introduce a bill entitled an act to amend section 334 of the compiled statutes of Montana, fifth division, relating to printing and posting city ordinances.

By Davis—*Mr. Speaker*: I hereby give notice that I will on to-morrow or some subsequent day introduce a bill for the relief of J. X. Beidler.

By Carver—*Mr. Speaker*: I will on to-morrow or some subsequent day introduce an act to amend section 1860 of the fifth division compiled statutes.

Following bills were introduced:

By Moore—H. B. No. 35, a bill entitled an act to amend section 334, fifth division compiled statutes of Montana, relating to printing and posting city ordinances.

By Blakely—H. B. No. 36, an act to change the boundary line between Gallatin and Madison counties.

Following communication from the council was received.

COUNCIL CHAMBER,
Helena, Montana, February 14, 1889.

Mr. Speaker: I am directed by the council to return to your honorable body H. B. No. 3, a bill providing for the better protection of game and fish, and for the creation of the office of game and fish warden, which passed the council with the amendments herewith presented.

Also, H. B. No. 8, an act to provide for the payment of bounties for the killing of certain stock-destroying animals, which passed the council with the amendments herewith presented.

Also, to transmit to you C. B. No. 31, an act relating to gates and bars, which passed the council.

Respectfully submitted, JOHN R. EARDLEY, Chief Clerk.

On motion of Swiggett the house concurred in the amendments of the council to H. B. No. 3.

H. B. No. 3, with council amendments thereto, was referred to the committee on enrollment and ordered enrolled.

Rea moved that the house concur in the amendments of the council to H. B. No. 8.

Blakely moved to recommit the bill and council amendments to the committee on towns, counties and highways. Motion lost.

Motion of Rea carried.

C. B. No. 31, an act to amend section No. 1121 compiled statutes of Montana, relating to gates and bars, was read first and second times and referred to committee on agriculture, manufacture and stockgrowing.

H. B. No. 35 read first and second times, referred to committee on printing and ordered printed.

H. B. No. 36 read first and second times, referred to committee on printing and ordered printed.

Following report of engrossment committee:

Mr. Speaker: Your committee on engrossment, to whom was referred house amendments to C. B. No. 26, relating to gambling, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

C. B. No. 26 and amendments thereto were placed on calendar for third reading.

On motion of Johnson, recess was taken until 2 p. m.

2:00 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Congdon and Waite.

Congdon, of Silver Bow, was granted leave of absence until Monday, February 18th.

H. B. No. 13 read third time, placed on its final passage and lost by a tie vote, as follows:

Ayes—Davis, Gillette, Haskell, Johnson, Joslyn, Murray, Pickman, Rea, Roberts, Saxton, Whitney—11.

Nays—Blakely Carver, Comfort, Flowers, Garrett, Hunt, Jones, Moore, Swiggett, Willis, Mr. Speaker—11.

Absent—Congdon and Waite.

Following report of the engrossment committee received:

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 25, relating to minors in saloons, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

H. B. No 35, read a third time and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Davis, Flowers, Garrett, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Whitney, Willis, Mr. Speaker—22.

Absent, Congdon and Waite—2.

On motion of Blakely title was amended by adding to the title the words “prohibiting minors from frequenting saloons and gambling houses.”

Title agreed to as amended.

On motion of Joslyn, the rules were suspended and the reading at length of C. B. No. 26 was omitted.

Amendments read. Bill as amended placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Davis, Flowers, Garrett, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Whitney, Willis, Mr. Speaker—22.

Nays—none.

Absent, Congdon, Waite—2.

Title agreed to.

Following communication from the council received.

COUNCIL CHAMBER,
Helena, February 15, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that Olds introduced C. B. No. 38, to provide for the recording of mining locations by district recorders. Ordered printed. Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

House resolved itself into the committee of the whole to consider general orders.

Mr. Davis in the chair.

6:30 P. M.

House resumed.

Mr. Speaker in the chair.

Davis gave notice that he would on the morrow at 11 o'clock a. m. move to reconsider the vote by which the house concurred in council amendments to H. B. No. 8.

On motion of Hunt, house adjourned until 10:45 a. m., February 16th.

LEE MANTLE, *Speaker*.

BENJAMIN WEBSTER, Chief Clerk.

THIRTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, February 16, 1889.

House met pursuant to adjournment at 10:45 a. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Congdon, Flowers and Waite.

Prayer by the chaplain.

Journal of the thirty-third day read and approved.

11 P. M.

Davis moved to reconsider the vote by which house concurred in council amendment to H. B. No. 8.

Hunt moved that the consideration of the motion to reconsider be made a special order for Monday afternoon at 2 o'clock, February 18th.

Rea moved that the motion to reconsider be made a special order for Wednesday morning, February 20th, at 1 o'clock. Motion of Rea was carried.

A remonstrance against the division of the county from thirty-six residents of Madison county was presented by Comfort, read and referred to committee on towns, counties and highways.

Following reports received:

Mr. Speaker: Your committee on agriculture, manufacture and stockgrowing have carefully considered council bill No. 31, and return the same with the recommendation that it do pass.

JOHNSON, Chairman.

C. B. No. 31 with the report of the committee was placed on general orders.

Mr. Speaker: Your committee of the whole to whom was referred H. B. No. 24, have considered the same and report it back with the recommendation that it do pass.

Also they have considered H. B. No. 19, and recommend that the bill be placed at the foot of the calendar on general orders for further consideration.

Also they have considered C. B. No. 19 and recommend that the bill do not pass.

Also they have considered H. B. No. 15, and recommend that the amendments herewith submitted be adopted, and recommend as so amended the bill do pass.

DAVIS, Chairman.

On motion of Garrett, that part of the report relating to H. B. No. 24 was received, and H. B. No. 24 was referred to committee on engrossment and ordered engrossed.

On motion of Johnson, that part of the report relating to H. B. No. 19 was adopted, and H. B. No. 19 was replaced on general orders at the foot of the calendar.

On motion of Davis that portion of the report relating to C. B. No. 19 was adopted, and C. B. No. 19 was placed on the calendar for third reading.

On motion of Swiggett that portion of the report relating to H. B. No. 15 was adopted.

On motion of Swiggett, H. B. No. 15 with amendments was referred to engrossment committee with instructions to insert the amendments in a printed bill which should be considered as the engrossed bill.

Following bill introduced by Hunt entitled an act concerning the appointment of stenographers by the district courts.

H. B. No. 37 read first and second times and ordered printed.

C. B. No. 19 read third time, placed on its final passage and lost by the following vote:

Ayes—Gillette, Johnson, Pickman, Rea, Saxton—5.

Nays—Blakely, Carver, Comfort, Davis, Garrett, Haskell, Hunt, Jones, Joslyn, Moore, Murray, Roberts, Swiggett, Whitney, Willis, Mr. Speaker—16.

Absent—Congdon, Flowers, Waite—3.

Following report was received:

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 15, militia bill, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

On motion of Joslyn, rules were suspended and H. B. No. 15 was read a third time by title, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Davis, Garrett, Gillette, Haskell, Hunt, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Swiggett, Willis and Mr. Speaker—18.

Nays—Saxton—1.

Absent—Congdon, Flowers, Johnson, Waite—4.

Title agreed to.

Following supplementary report of the committee of the whole was received:

Mr. Speaker: Your committee of the whole house having omitted to report their action on H. J. R. No. 6 beg leave to make a supplementary report as follows:

That further reading of H. J. R. No. 6 was dispensed with, and the same was reported to the house with instructions that the same be referred to a select committee appointed by the speaker.

DAVIS, Chairman.

On motion of Joslyn the report was adopted.

Pursuant to above report the speaker appointed as a special committee to consider and report on H. J. R. No. 6, Messrs. Saxton, Murray and Moore.

On motion of Moore house adjourned until 2 p. m.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Flowers, Congdon and Waite.

Leave of absence was granted to Flowers of Gallatin until Monday, February 18.

By consent of the house Hunt introduced without previous notice H. J. M. No. 8. relating to statehood.

H. J. M. No. 8 was read first and second times.

On motion of Murray rules were suspended and the memorial was considered engrossed, read a third time by title, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Davis, Garrett, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Whitney, Willis and Mr. Speaker—21.

Absent—Flowers, Congdon and Waite.

Title agreed to.

House resolved itself into the committee of the whole to consider general orders. Mr. Moore in the chair.

2:25 P. M.

House resumed.

Mr. Speaker in the chair.

Following report of the committee on mines and minerals.

Mr. Speaker: Your committee to whom was referred H. B. No. 16, beg leave to report the same back to the house without recommendation.

ROBERTS, Chairman.

H. B. No. 16 was placed on general orders.

Report of special committee received.

Mr. Speaker: Your conference committee to whom was referred C. B. No. 17 with house amendments, beg leave to report that they have had the same under consideration in connection with a similar committee from the council, and recommend that the house recede from its amendments. JOHNSON, Chairman.

Johnson moved that the report be adopted. Motion lost.

Joslyn moved that the committee of the house on conference be instructed to adhere to house amendments to C. B. No. 17.

Motion carried and the committee were so instructed.

Following report of the committee of the whole was received:

Mr. Speaker: The committee of the whole, to whom was referred C. B. No. 31 and house bill No. 19, beg leave to report as follows:

First—That when the committee arise they report C. B. No. 31 back to the house with the recommendation that it do pass.

Second—That when the committee arise they report house bill No. 9 back to the house with the recommendation that its further consideration be postponed for the present.

MOORE, Chairman.

On motion of Roberts, that portion of the report relating to C. B. No. 31 was received and C. B. No. 31 was placed on calendar for a third reading.

On motion of Davis, that portion of the report relating to house bill No. 19 was amended by striking out the last three words of the report and inserting in lieu thereof the words "until the return of the member introducing the same."

That portion of the report as amended, on motion of Davis was adopted.

Following reports were received:

H. B. No. 24 was placed on calendar for a third reading.

Report of committee on enrollment:

Mr. Speaker: Your joint committee on enrollment, to whom was referred house bill No. 3, relating to game and fish and creating the office of warden, respectfully report the same back correctly enrolled, and it is herewith presented for your signature.

GILLETTE, Chairman.

H. B. No. 24 was read third time, placed on its final passage, and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Davis, Garrett, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Pickman, Rea, Roberts, Saxton, Swiggett, Whitney, Willis, Mr. Speaker—20.

Absent—Congdon, Flowers, Murray, Waite—4.

Title agreed to.

C. B. No. 31 read third time, placed on its final passage and passed by the following vote:

Ayes—Carver, Comfort, Davis, Garrett, Gillette, Hunt, Johnson, Jones, Moore, Reo, Roberts, Saxton, Swiggett, Willis—14.

Nays—Blakely, Haskell, Joslyn, Pickman, Whitney Mr. Speaker—6.

Absent—Congdon, Flowers, Murray, Waite—4.

The speaker announced that he was about to sign H. B. No 3.

Joslyn moved to adjourn until 2 p. m. Monday, February 18th 1889.

Blakely amended by substituting 4:30 p. m. for 2 p. m.

Amendment carried and house adjourned until 4:30 p. m. February 18th.

LEE MANTLE, Speaker.

BENJAMIN WEBSTER, Chief Clerk.

THIRTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 18th, 1889.

House met pursuant to adjournment at 4:30 p. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Waite.

Prayer by the chaplain.

Journal of the thirty-fourth day read and approved.

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. 24, relating to alimony and divorce cases, respectfully report the same back correctly engrossed.

H. D. PICKMAN, Chairman.

Following message from the governor was received:

EXECUTIVE OFFICE,
Helena, Montana, February 18, 1889.

Gentlemen of the House of Representatives: I have the honor to inform you that I have on this day approved and signed house joint resolution No. 5, entitled house joint resolution No. 5, for the relief of A. C. Logan, J. H. Meyers and R. H. Howey members of the school text book commission. P. H. LESLIE.

Following reports were received:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed house bills Nos. 20, 30, 31 and 32.

CONGDON, Chairman.

H. B. No. 20 was referred to committee on elections and territorial affairs.

House bills Nos. 31 and 32 were referred to committee on judiciary.

H. B. No. 30 was referred to the committee on ways and means.

Report of the committee on Judiciary:

Mr. Speaker: Your committee on judiciary to which was referred H. B. No. 14, relating to dower rights of insane married women beg leave to report that they have considered the same and report herewith a substitute therefore, and recommend that the same be adopted.

HUNT, Chairman.

Mr. Speaker: Your committee on judiciary to which was referred C. B. No. 20, relating to the formation of juries, report that they have had the same under consideration, and recommend that as so amended by amendments herewith submitted the bill do pass.

HUNT, Chairman.

C. B. No. 20, with reports and amendments of committee was placed on general orders.

H. B. No. 14, with substitute and report of committee was placed on general orders.

Rea, of Custer, was granted leave of absence for the rest of the day.

Following notices of bills were given:

By Whitney—*Mr. Speaker:* I wish to give notice that I will on tomorrow, or some subsequent day, introduce a bill to amend

section No. 793, fifth division of the compiled statutes, relating to the publication of county warrants, to be redeemed by county treasurers.

By Congdon—*Mr. Speaker*: I hereby give notice that on tomorrow, or some subsequent day, I will introduce a bill to amend section 700, chapter 25, of the compiled statutes of Montana, relating to railroad corporations.

Following bills were introduced:

By Carver—H. B. No. 38, entitled an act to add a section to chapter 102, fifth division, compiled statutes, relating to toll roads, toll bridges and toll ferry boats.

By Committee on Elections and Territorial Affairs—H. B. No. 39, entitled an act concerning the Montana law library.

Following communications from the council were received:

COUNCIL CHAMBER,
Helena, Montana, February 18, 1889.

Mr. Speaker: I am instructed to inform you that the council refuses to recede from its position on house amendments to C. B. No. 17.

Also, by leave, Brown introduced C. B. No. 39, a bill to amend section 272, second division, compiled statutes of Montana, entitled probate practice act.

Ordered printed.

Also, that the council has indefinitely postponed C. C. R. No. 10, relating to adjournment sine die of the legislative assembly.

Also, that H. J. R. No. 8, relating to statehood, has passed the council, the same being herewith returned.

Respectfully submitted,
JOHN R. EARDLEY, Chief Clerk.

COUNCIL CHAMBER,
Helena, Montana, February 16th, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the council has concurred in house amendments to C. B. No. 26, an act to prohibit certain gambling games and fixing penalties for violation thereof.

Respectively submitted,
JOHN R. EARDLEY, Chief Clerk.

H. J. R. No. 8 was referred to committee on enrollment and ordered enrolled.

House bills Nos. 38 and 39 were read first and second times referred to committee on printing and ordered printed.

Hunt gave notice that he would on the morrow move to reconsider the vote by which C. B. No. 31 was passed.

On motion of Murray, the house adjourned until to-morrow.

LEE MANTLE, *Speaker*.

BENJ. WEBSTER, Chief Clerk.

THIRTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 19, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Waite.

Journal of the thirty-sixth day read and approved.

Following report was received:

Mr. Speaker: Your committee on judiciary, to which was referred H. B. No. 31, relating to gambling signs, have had the said bill under consideration, and recommend that with the amendments herewith submitted the bill do pass.

HUNT, Chairman.

H. B. No. 31, with amendments and the report of the committee, was placed on general orders.

House resolved itself into committee of the whole to consider general orders.

Mr. Jones in the chair.

12:20 P. M.

House resumed.

Mr. Speaker in the chair.

A letter was received from the president of the M. C. Ry. Co. tendering to both houses of the legislature a complimentary excursion to Great Falls on February 22d.

On motion of Joslyn, the invitation was accepted and the chief clerk instructed to convey the thanks of the house to the president.

Following report received:

Mr. Speaker: Your joint committee on enrollment beg leave to report that council bill No. 26, relating to gambling; council

bill No. 31, relating to gates and bars, and house joint memorial No. 8, relating to statehood, have been correctly enrolled and are herewith presented for your signature.

GILLETTE, Chairman.

According to previous notice, Hunt moved to reconsider the vote by which council bill No. 31 was passed in the house.

Motion carried.

On motion of Joslyn, the house took a recess until 2:30 p. m.

2:30 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Waite.

Following report received:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed house bill No. 33, for an act to prevent swine from running at large. Introduced by Comfort.

CONGDON, Chairman.

H. B. No. 33, was referred to the committee on elections and territorial affairs.

Following communications from the council were received:

COUNCIL CHAMBER,
Helena, Montana, February 19, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that Kennedy has given notice of a bill to prohibit gambling.

Also, to return to you H. B. No. 6, relating to the practice of medicine, etc., the same having passed the council.

Respectfully submitted,

JNO. R. EARDLEY, Chief Clerk.

H. B. No. 6 was referred to committee on enrollment and ordered enrolled.

House resolved itself into the committee of the whole to consider general orders.

Mr. Jones in the chair.

4:50 P. M.

House resumed.

Mr. Speaker in the chair.

Following report was received:

Mr. Speaker: Your committee on ways and means to whom was referred H. B. No. 27, relating to county treasurers, beg leave to report that the same do pass with the following amendments.
JOSLYN, Chairman.

H. B. No. 27 with the report and amendments of the committee was placed on general orders.

Report of select committee:

Mr. Speaker: Your special committee to whom was referred C. B. No. 7, have had the same under consideration and report the same back with amendments and recommend that the same do pass as amended.
BLAKELY, Chairman.

On motion of Blakely the report and amendments were adopted.

C. B. N. 7 with amendments was referred to committee on engrossment and amendments were ordered engrossed.

With consent of the house the following notice of bill was given by Swiggett:

Mr. Speaker: I hereby give notice that on to-morrow or some future day I will introduce a bill to prohibit lottery schemes and prize distributions.

The speaker announced that he was about to sign C. B. No. 26, also H. J. R. No. 8.

Following report was received:

Mr. Speaker: Your committee on enrollment beg leave to report that H. B. No. 3, an act for the better protection of game and fish and for the creation of the office of game and fish warden, was presented to the governor for his consideration at 2:45 this p. m.
GILLETTE, Chairman.

The chairman of the committee of the whole was granted time to report.

On motion of Blakely the house adjourned.

BENJAMIN WEBSTER, Chief Clerk.
LEE MANTLE, Speaker.

THIRTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 20, 1889.

House met pursuant to adjournment at 10 o'clock a. m.
Mr. Speaker in the chair.

Roll called—quorum present.
Absent on leave, Waite.

Journal of the thirty-seventh day read and approved.

Following report of judiciary committee received:

Mr. Speaker: Your committee on judiciary, to whom was referred C. B. No. 12, relating to drawing juries, have had the same under consideration and report it back to the house with amendments, and recommend that as amended the bill do pass.
HUNT, Chairman.

C. B. No. 12, with the report of the committee and amendments was placed on general orders.

Second report of judiciary committee:

Mr. Speaker: Your committee on judiciary, to which was referred H. B. No. 26, relative to municipal incorporations, beg to report that they have had the same under consideration and recommend that the same with the amendments herewith submitted do pass.
HUNT, Chairman.

H. B. No. 26, with report and amendments of committee was placed on general orders.

Following report of select committee was received:

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 18, 1889.

Mr. Speaker: Your special committee appointed to examine the penitentiary and insane asylum have completed that duty, and beg leave to make the following report:

The penitentiary appears to be conducted in a manner commendable to the officers in charge. Opportunity was afforded us to talk with such prisoners as desired to converse with us, and was availed of by many. Very few complaints were made as to their treatment, and none of sufficient importance to include in this report.

The sanitary condition of the penitentiary appears to be excellent, and the greatest care is observed in keeping the prison in a healthful condition. Careful inquiry and examination was made in regard to the food furnished the prisoners, and the same was found to be of good quality, sufficient in ration, and neatly and cleanly cooked and served.

Seasonable and sufficient clothing and bedding are furnished, and the temperature of the prison is maintained at a comfortable degree of warmth at all times. The prisoners have free access

to a library provided for their use, and to many of the daily and weekly newspapers published in the territory. Many of the prisoners occupy their time in making fancy articles that they are permitted to sell for their own benefit. Others pursue some chosen study which they hope to turn to their advantage when their term of imprisonment shall have expired.

There was a unanimous plea from the prisoners to be afforded means of systematic manual labor. This, however, and unfortunately can not be done at present, for the reason that there is no suitable enclosure of the buildings, there being nothing more than a common board fence about ten feet high enclosing the same. There should be built a strong and suitable wall, either of stone or brick, surrounding the buildings and enclosing sufficient ground for the purpose of carrying on such work as might be done there. Such a wall could be built with but little expense, and would be of much benefit to the mental and physical condition of the prisoners. Brick of superior quality could be made on the premises, or stone could be quarried from the hills in the vicinity.

In the insane asylum there are one hundred and sixty-three (163) inmates, twenty-seven (27) of which are females. About three-fifths of the inmates are but mildly insane and may be wholly restored to sound mind.

So far as your committee was able to observe the inmates of the asylum were treated in a humane manner and are properly clothed and fed.

They are supplied with good mattresses and sufficient bed clothing for their comfort.

The buildings and premises appear to be kept in a good sanitary condition.

It is also apparent to your committee that owing to the inadequate provisions of the existing law, there are many persons confined in this institute who should be under the care of the several counties, rather than territorial charges. It is also apparent that designing persons have in some instances successfully invoked the order of courts to confine persons in this institution who were neither insane nor proper subjects for confinement in the county poor house.

While the parties having the contract for the care of the insane are as desirous as other citizens in the territory that these abuses should not occur, yet they are practically helpless in the matter and will remain so until more stringent laws are enacted defining the manner in which the insane shall be committed.

Your committee also earnestly recommend to your consideration the cost of the maintenance of our insane under the present system of caring for them, the same amounting to fifty-five thousand (\$55,000) dollars during the past year, and increasing so rapidly each year, that unless some provision be made by this legislature to curtail this expense it may seriously embarrass our territorial treasury.

Your committee found the buildings ample for many more than there are at present therein confined, probably sufficient to meet the requirements of the care of the insane for several years to come. They were favorably impressed with the arrangement of buildings and grounds as conducive to the best possible results to this class of unfortunates. Your committee would therefore recommend that some legislation be enacted at this session of the legislature looking to the purchase of these buildings with the surrounding grounds, not exceeding one hundred and sixty (160) acres of land, if same can be had at a reasonable price. But if satisfactory price cannot be made, your committee would urge upon the legislature the immediate necessity of providing an asylum for the insane, to be owned by the territory and placed under the management of territorial officers. And would recite that the cost to the territory under the present system is far in excess of that paid by any other state or territory.

S. G. MURRAY, Chairman.

On motion of Joslyn, the report was received and spread upon the journal.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole, to whom was referred house bill No. 19, have duly considered the same and report it back with the recommendation that it do not pass.

Also, they have under consideration H. B. No. 31, and have directed me to report progress and ask leave to sit again.

JONES, Chairman.

On motion of Congdon the report was received.

Hunt moved to indefinitely postpone further consideration of H. B. No. 19.

Blakely moved that H. B. No. 19 be recommitted to a select committee of five. Motion of Blakely carried.

Pursuant to which the speaker appointed as such select committee Messrs. Flowers, Congdon, Saxton, Joslyn, Rea.

Report of committee on engrossment.

Mr. Speaker: Your committee on engrossment to whom was referred house amendments to C. B. No. 7, relating to free bridges, respectfully report them back correctly engrossed.

PICKMAN, Chairman.

C. B. No. 7 with amendments was placed on calendar for third reading.

Report of enrollment committee.

Mr. Speaker: Your Joint committee on enrollment beg leave to report that C. B. No. 26, relating to gambling was presented to the governor for his consideration at 10 a. m., February 20, 1889.

GILLETTE, Chairman.

Following notices of bills were given by Murray:

Mr. Speaker: I hereby give notice that I will on tomorrow, or some future day, introduce a bill to provide additional compensation for county officers.

By Blakely—*Mr. Speaker:* I will on tomorrow, or some future day, introduce a bill to encourage manufactories in Montana.

Following bills were introduced:

By Jones—H. B. No. 40, an act requiring railroad companies to fence their tracks in the territory of Montana, and keep the fence in good repair.

By Davis—H. B. No. 41, an act to regulate the business of pawnbrokers and junk dealers.

Also, H. J. R. No. 9, for the relief of John X. Beidler.

11 O'CLOCK A. M.

Davis moved that the house now reconsider the vote, by which the house concurred in the amendments of the council to H. B. No. 8.

On motion of Rea, the motion to reconsider the vote was laid on the table.

Following communication from the council was received:

COUNCIL CHAMBER,
Helena, Montana, February 19, 1889.

Mr. Speaker: I am directed by the council to return to you H. B. No. 9 for the better protection of game and fish, the same having been amended by the council and passed as amended.

H. B. No. 10, to provide for the compensation of justices of the peace which has been amended by the council and passed as amended.

H. B. No. 12 to enable cities and towns to incur indebtedness, which has been amended by the council and passed as amended.

Also, to transmit to you C. B. No. 22, relating to the protection of cemeteries and the remains of the dead, which has passed the council.

C. B. No. 32, relating to exemption from jury duty, which has passed the council.

I am also directed to inform you that the council refuses to return to the house C. B. No. 31, as requested by you.

JNO. R. EARDLEY, Chief Clerk.

On motion of Jones, house concurred in the amendments of the council to H. B. No. 9 and the council amendments to H. B. No. 10.

On motion of Murray the house concurred in council amendments to house bill 12.

House bills Nos. 9, 10, and 12 with amendments were referred to committee on enrollment and ordered enrolled.

C. B. No. 22 was read first and second times and referred to committee on judiciary.

House bills Nos. 40 and 41 were read first and second times, referred to committee on printing and ordered printed.

H. J. R. No. 9, was read first and second times and referred to committee on ways and means.

By consent of the house the following bills were introduced.

By Whitney—H. B. No. 42 and an act requiring county treasurers to advertise in a newspaper a list of all warrants that they have funds in their hands to pay.

By Hunt—H. B. No. 43, an act to provide for the appointment of a commissioner to codify the civil and criminal laws and procedure, and to revise, compile and arrange the statute laws of Montana.

H. B. No. 42, was read first and second times, referred to committee on printing and ordered printed.

On motion of Joslyn, the rules were suspended and H. B. No. 43 was read first time by title only; read second time, referred to committee on printing and ordered printed.

On motion of Joslyn, the printing committee were instructed to notify the printer that bills must be printed within the time as specified in the house rules.

C. B. No. 7, with house amendments thereto, was read third time, placed on its final passage and lost by the following vote:

Ayes—Blakely, Carver, Comfort, Flowers, Garrett, Gillette, Hunt, Saxton, Swiggett, Willis, Mr. Speaker—11.

Nays—Congdon, Davis, Haskell, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Whitney—12.

Absent—Waite—1.

Following report of the printing committee was received:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed house bills Nos. 22 and 36.

CONGDON, Chairman.

H. B. No. 22 was referred to committee on ways and means.

H. B. No. 36 was referred to committee on towns, counties and highways.

On motion of Whitney, a recess was taken until 2 p. m.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Waite.

Joslyn moved that the vote by which C. B. No. 7 was lost, be reconsidered.

Davis moved that the consideration of the motion to reconsider the vote on C. B. No. 7, be made a special order for to-morrow at 11 o'clock a. m.

Motion lost.

Original motion of Joslyn was carried.

On motion of Swiggett, the rules were suspended and C. B. No. 8 was placed at once upon its final passage.

On motion of same member, the rules were suspended and C. B. No. 7 was read third time by title only, and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Flowers, Garrett, Gillette, Hunt, Joslyn, Moore, Roberts, Saxton, Swiggett, Willis, Mr. Speaker—15.

Nays—Davis, Haskell, Johnson, Jones, Murray, Pickman, Rea, Whitney—8.

Absent—Waite—I.

Title agreed to.

Following communication from the council was received:

COUNCIL CHAMBER,
Helena, Montana, February 20, 1889.

Mr. Speaker: I am directed to inform you that Collins has given notice of a bill to change the boundary line between Cascade and Meagher counties. Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

House resolved itself into the committee of the whole to consider general orders.

Jones in the chair.

5.10 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Chairman of the committee of the whole was granted time to report.

Following report was received:

Mr. Speaker: Your joint committee on enrollment, to whom was referred H. B. No. 8, relating to bounties, respectfully report the same back correctly enrolled, and it is herewith submitted for your signature. GILLETTE, Chairman.

The speaker announced that he was about to sign H. B. No. 8.

Following communication from the council was received.

COUNCIL CHAMBER,
Helena, Montana, February 20, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the following bills have been introduced:

By Bickford—C. B. No. 40, to enable school district No. 8, Missoula county, to issue bonds for the purpose of erecting a school house. Passed to general orders.

By Middleton—C. B. No. 41, relating to licenses. Ordered printed.

Also that the council have concurred in house amendments to C. B. No. 7, authorizing counties to build free bridges.

Respectfully submitted,

JNO. R. EARDLEY, Chief Clerk.

Following message from the governor was received:

EXECUTIVE OFFICE,
Helena, Montana, February 20, 1889.

Gentlemen of the House of Representatives: I have the honor to inform you that I have approved and so indorsed the bill No. 3, which originated in your body, entitled an act providing for the better protection of game and fish and for the creation of the office of game and fish warden.

Respectfully,

P. H. LESLIE.

Joslyn moved to adjourn until 11 o'clock February 21st.

Murray moved to amend by adjourning until 10 o'clock a. m. February 21st.

Amendmendment carried and house adjourned.

LEE MANTLE, Speaker.

BENJAMIN WEBSTER, Chief Clerk.

THIRTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 21, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll called—all members present.

Prayer by the chaplain.

On motion of Murray the reading of that portion of the journal containing the report of the select committee appointed to inspect the penitentiary and insane asylum was omitted.

Journal of the thirty-eighth day read and approved.

Following reports were received:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed house bills Nos. 35, 37 and 18.

E. E. CONGDON, Chairman.

H. B. No. 35 was referred to committee on incorporations.

H. B. No. 37 was referred to committee on elections and territorial affairs.

Reports of committee on elections and territorial affairs:

Mr. Speaker: The committee on elections and territorial affairs, to whom was referred C. B. No. 22, relating to the protection of cemeteries and the remains of the dead, have had the same under consideration and recommend that it do pass.

F. S. WHITNEY, Chairman.

C. B. No. 22 with report was placed on general orders.

Second report of committee on election and territorial affairs:

Mr. Speaker: The committee on elections and territorial affairs, to which was referred H. B. No. 20, relating to siphons and bottles, report that they have had the same under consideration and recommend that as amended by the amendments herewith submitted the bill do pass. F. S. WHITNEY, Chairman.

H. B. No. 20, with the report and amendments of the committee, was placed on general orders.

Mr. Speaker: Your committee on elections and territorial affairs report back H. B. No. 21 without recommendation.

F. S. WHITNEY, Chairman.

H. B. No. 21, with report of committee, was placed on general orders.

On motion of Murray, a special committee of three was appointed, consisting of the following gentlemen: Messrs. Moore, Saxton and Davis, to confer with a like committee of the council to ascertain whether the members of the Dakota legislature intend paying a visit to this legislative assembly, and if so, to make arrangements for their reception.

Report of select committee:

Mr. Speaker: The special committee, to whom was referred H. J. R. No. 6, authorizing the publication of an official map of Montana, would respectfully report that they have given the matter careful consideration. We are unable to find sufficient improvement in the map proposed, as compared with the present official map, to warrant the expenditure of the amount asked, and would therefore report the resolution back with the recommendation that it do not pass.

SAXTON, Chairman.

H. J. R. No. 6, with report of committee, was placed on general orders.

Report of special committee:

Mr. Speaker: Your special committee, to whom was referred H. B. No. 19, relating to attachments, have had the same under consideration and beg leave to report back the bill with the recommendation that it be indefinitely postponed.

E. E. CONGDON, Chairman.

H. B. No. 19, with report of committee, was placed on general orders.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole, to whom was referred H. B. No. 16, have had the same under consideration and recommend the adoption of the amendments herewith submitted, and as so amended, that the bill do pass.

JONES, Chairman.

On motion of Murray report was received and amendments adopted.

H. B. No. 16 and amendments were referred to committee on engrossment and ordered engrossed.

Following notices of bills were given:

By Congdon—*Mr. Speaker:* I hereby give notice that I will on today, or some future day, introduce a bill relating to limitation of actions.

By Hunt—*Mr. Speaker:* I hereby give notice that the judiciary committee will, on February 23, or some subsequent day, introduce a bill relative to assignments of estates of debtors for creditors.

Following bills were introduced:

By Joslyn—H. B. No. 44, an act to prohibit lotteries and providing a penalty for violation thereof.

By Congdon—H. B. No. 45, an act to amend section 700, chapter 25, of the compiled statutes of Montana, relating to railroad corporations.

By Carver—H. B. No. 46, an act to suppress and prevent dissemination of scab and contagious diseases among sheep and to repeal certain other acts.

Following report of the committee on ways and means by the consent of the house was received:

Mr. Speaker: The ways and means committee, to whom was referred the Western Union Telegraph Company's bill of thirty-six dollars and fifteen cents (\$36.15), beg leave to submit the following resolution:

JOSLYN, Chairman.

By consent of the house, house joint resolution No. 10 was introduced without previous notice. Read first and second times.

On motion of Joslyn, the rules were suspended; the resolution was considered engrossed, placed on its final passage and read third time by title only.

H. J. R. No. 10 passed by a unanimous vote.

Title agreed to.

House bills Nos. 44 and 45 were read first and second times and referred to committee on printing and ordered printed.

On motion of Haskell rules were suspended.

H. B. No. 46 was read first time by title only, read second time, referred to committee on printing and ordered printed.

House resolved itself into the committee of the whole to consider general orders.

Joslyn in the chair.

12:25 p. m.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

An invitation to attend the reception and celebration of the New England society to be given on February 22d was received from the secretary of said society.

On motion of Joslyn the clerk was instructed to acknowledge the receipt of, and return the thanks of the House for the invitation.

Joslyn moved that the house take a recess until 2:30 p. m.

Murray moved to amend by substituting 2 p. m. for 2:30 p. m.

Amendment carried and house took a recess until 2 p. m.

2 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Roll called, all members present.

Following communications were received from the council.

COUNCIL CHAMBER,

Helena, Montana, February 21, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that upon being informed that the members of the Dakota legislative assembly contemplate visiting Helena, it is resolved

That a special committee of three be appointed to act with a like committee on the part of the house to extend the courtesies of this legislature to the honorable visitors, and Messrs. Thompson of Deer Lodge, Middleton and Hatch were appointed such committee. Respectfully submitted,

JNO. R. EARDLEY Chief Clerk.

COUNCIL CHAMBER,
Helena, Montana, February 21, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that Conrad has given notice of a bill to detach certain territory from Park county and annex the same to Yellowstone county, Montana territory.

That Collins has introduced C. B. No. 42, to provide fees and compensation for certain county officers in the territory of Montana. Ordered printed.

Middleton has introduced C. B. No. 43, to amend section 229 of the probate practice act. Ordered printed.

Also to transmit to you C. B. No. 29, to regulate printing and the purchase of blank books and stationery in the several counties of the territory of Montana, which has passed the council.

Also C. B. No. 35, to establish a series of text books for the public schools, which has passed the council.

Respectfully submitted, JNO. R. EARDLEY, Chief Clerk.

On motion of Hunt rules were suspended and C. B. No. 29, was read first time by title only, read second time and referred to committee on printing.

On motion of Murray rules were suspended, C. B. No. 35 was read first time by title only, and second time and referred to committee on education, labor and federal relations.

Following report of the committee of the whole was received:

Mr. Speaker: Your committee of the whole to whom was referred H. B. No. 14 together with the substitute recommended by the judiciary committee, have duly considered the same and recommend the adoption of the substitute as amended and as so amended that the bill do pass.

Also they have had under consideration C. B. No. 20 together with the amendments recommended by the committee on judiciary, and report back the same with the amendments hereby submitted and recommend as so amended the bill do pass.

Also they have considered H. B. No. 31 with the amendments recommended by the committee on judiciary and recommend the passage of the bill as so amended. JOSLYN, Chairman.

On motion of Comfort, that portion of the report relating to H. B. No. 14 was adopted and H. B. No. 14, with substitute and amendments thereto of the committee of the whole, was referred to committee on engrossment and ordered engrossed.

On motion of Hunt, that portion of the report relating to C. B. No. 20 was adopted and C. B. No. 20, with the amendments of the committee on judiciary and the committee of the whole, was referred to committee on engrossment and amendments ordered engrossed.

On motion of Murray, that portion of the report relating to H. B. No. 31 was adopted and H. B. No. 31, with amendments of judiciary committee, was referred to committee on engrossment and ordered engrossed.

House resolved itself into the committee of the whole to consider the general orders.

Mr. Joslyn in the chair.

4:25 P. M.

House resumed

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

Following message from the council was received:

COUNCIL CHAMBER,
Helena, Montana, February 21, 1889.

Mr. Speaker: I am instructed to return to your honorable body a communication received from you informing the council of the appointment of a select committee and respectfully ask of you the names of the members appointed as such select committee.

Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

The clerk was instructed to inform the council of the names of the select committee.

Gillette moved that the vote by which C. B. No. 7 passed the house be reconsidered.

Blakely moved that the motion to reconsider be laid on the table.

Motion carried.

The speaker appointed a select committee of three, consisting of Messrs. Davis, Garrett and Joslyn, to wait upon the council for the purpose of ascertaining their views concerning the proposed excursion to Great Falls and of coming to some determination thereon.

By consent of the house, Congdon introduced house bill No. 47, an act to amend sections 41 and 44, chapter 3, of the compiled statutes of Montana, relating to limitations of actions.

H. B. No. 47, read first and second times, and referred to committee on printing and ordered printed.

On motion of Murray a recess of ten minutes was taken.

4.55 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

The select committee appointed to confer with the council in regard to the excursion to Great Falls, made a verbal report to the effect that the council had decided not to accept the invitation of the president of the Montana Central Railway Company.

Following report of committee on engrossment was received:

Mr. Speaker: Your committee on engrossment, to whom was referred house amendments to C. B. No. 20, report the same back correctly engrossed.

PICKMAN, Chairman.

C. B. No. 20, with amendments, was placed on calendar for third reading.

Following message from the governor was received:

EXECUTIVE OFFICE,
Helena, Montana, February 20, 1889.

Gentlemen of the House of Representatives:

I have the honor to inform you that I have on this day approved and signed the bill No. 8, which originated in your body entitled an act to provide for the payment of bounties for the killing of certain stock-destroying animals.

Respectfully, P. H. LESLIE.

On motion of Murray, house resolved itself into the committee of the whole to consider H. B. No. 26.

Mr. Roberts in the chair.

6.10 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Chairman of the committee of the whole was granted time to report.

Swiggett moved to adjourn until tomorrow at 11 o'clock a. m.

Joslyn moved to amend by making it 10 o'clock a. m., Saturday.

Motion lost.

Motion of Swiggett lost.

Joslyn moved to adjourn until 8.30 a. m. tomorrow.

Motion lost.

Murray moved to adjourn.

Motion lost.

Hunt moved to adjourn until 10 o'clock Saturday morning.

Motion carried and house adjourned until 10 o'clock Saturday morning, February 23.

LEE MANTLE, Speaker.

BENJAMIN WEBSTER, Chief Clerk.

FORTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 23, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll called—no quorum present.

Absent, Carver, Davis, Flowers, Garrett, Haskell, Jones, Moore, Rea, Saxton, Waite, Whitney—12.

On motion of Murray a recess was taken for five minutes.

The speaker announced that no quorum being present the house stood adjourned until 8 p. m.

8 P. M.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Blakely, Congdon, Garrett.

Prayer by the chaplain.

On motion of Swiggett the rules were suspended and the reading of the journal of the thirty-ninth day was omitted.

On motion of Saxton the chaplains of the council and house were invited to hold religious service in the hall of the house tomorrow morning at 11 o'clock.

On motion of Joslyn house adjourned until 10 o'clock Monday morning.

LEE MANTLE, Speaker,

BENJAMIN WEBSTER, Chief Clerk.

FORTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 25, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Waite in the chair.

Roll called—no quorum present.

Absent. Gillette, Haskell, Waite.

On motion of Haskell house adjourned until to-morrow February 26th.

LEE MANTLE, Speaker.

BENJAMIN WEBSTER, Chief Clerk.

FOURTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 26, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent, Congdon, Swiggett, Garrett, on leave.

Prayer by the chaplain.

Journal of the forty-third, forty-first and thirty-ninth days read and approved.

Absence until to-morrow morning was granted to Congdon, Garrett and Swiggett.

Following reports were received:

Mr. Speaker: Your committee on education, labor and federal relations has had under consideration C. B. No. 35, a bill for an act to establish a series of text books for public schools, and report the same back with the recommendation that the same do pass.

MURRAY, Chairman.

C. B. No. 35, with the report of the committee, was placed on regular order.

Report of printing committee:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed H. B. No. 34, relating to the locating and recording of mining claims by Roberts.

CONGDON, Chairman.

H. B. No. 34 was referred to committee on mines and minerals.

Second report of printing committee:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed house bills Nos. 19, 38, 39 and 47.
 CONGDON, Chairman.

H. B. No. 38 was referred to committee on incorporations.

H. Bs. Nos. 39 and 47 werer eferred to committee on judiciary.

Report of committee on judiciary.

Mr. Speaker: Your committee on judiciary, to whom was referred H. B. No. 1, relative to assessors, report the same back to the house with amendments, and recommend that as so amended the bill do pass.
 HUNT, Chairman.

H. B. No. 1, with report and amendments of the committee, was placed on general orders.

Second report of committee on judiciary:

Mr. Speaker: Your committee on judiciary, to which was referred C. B. No. 32, relative to exemption from jury duty, report the same back to the house and recommend that it be indefinitely postponed.
 HUNT, Chairman.

C. B. No. 32, with report of the committee, was placed on general orders.

Report of committee on elections and territorial affairs:

Mr. Speaker: Your committee on elections and territorial affairs, to which was referred C. B. No. 1, relative to boiler inspectors, report the same back to the house without recommendation.
 F. S. WHITNEY, Chairman.

C. B. No. 1, with report of committee, was placed on general orders.

Report of enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report that house bill No. 6, an act to regulate the practice of medicine in Montana, and to provide for the examination and issuing certificates to persons desirous of practicing the same, and for the punishment of persons violating the provisions of this act. House bill No. 9, an act for the better protection of game and fish. H. B. No. 10, an act to provide for the compensation of justices of the peace, and H. B. No. 12, for an act to amend an act to enable cities and towns to incur indebtedness, and C. B. No. 7, an act to authorize counties to build free bridges, are correctly enrolled, and are here with submitted for your signature.
 GILLETTE, Chairman.

Report of the committee of the whole of February 21.

Mr. Speaker: Your committee of the whole, to whom was referred H. B. No. 27, together with the amendments recommended by the committee of ways and means, have duly considered the same, and report back the bill with the amendments herewith submitted by the committee of the whole, and recommend that as so amended the bill do pass.

Also, they have considered C. B. No. 12, together with the amendments recommended by the judiciary committee, and recommend the bill be referred to the house judiciary committee for further consideration.

Also, they have considered nine sections of H. B. No. 26, together with the amendments recommended by the committee on judiciary, and beg leave to sit again. JOSLYN, Chairman.

On motion of Hunt, that portion of the report relating to H. B. No. 27 was adopted, and H. B. No. 27, with amendments, was referred to committee on engrossment and ordered engrossed.

On motion of Johnson, that portion of the report relating to C. B. No. 12, was adopted and C. B. No. 12 was referred to committee on judiciary.

That portion of the report relating to H. B. No. 26, was received.

Report of the committee of the whole of February 21st:

AFTERNOON SESSION.

Mr. Speaker: Your committee of the whole, to whom was referred H. B. No. 26, together with the amendments recommended by the committee on judiciary, have had the same under consideration, and beg leave to report it back, with the amendments herewith submitted by the committee of the whole, and recommend that the amendments of the judiciary committee together with the amendments of the committee of the whole be adopted and so amended that the bill do pass.

ROBERTS, Chairman.

On motion of Saxton the report of the committee of the whole was received.

Hunt moved that H. B. No. 26, with all amendments be referred to a select committee of two. Motion carried.

Pursuant to which the Speaker appointed as such committee, Messrs. Hunt and Haskell.

By consent of the house, Blakely presented a petition of three hundred and fifty-eight names from residents of Gallatin county, protesting against the passage of the bill closing saloons on Sunday.

Moore presented a petition of fifty-seven names from the residents of Deer Lodge county requesting the passage of such bill.

Both petitions were read and referred to committee on elections and territorial affairs.

Following notices of bills were given:

By Blakely—*Mr. Speaker*: I will on to-morrow or some future day introduce a bill regulating the purchase and construction of bridges in the several counties of Montana.

By Moore—I hereby give notice that I will to-day or some future day introduce a bill entitled, "An act to regulate the practice of denistry in the territory of Montana."

Following communication from the council was received:

COUNCIL CHAMBER,
Helena, Montana, February 21, 1889.

Mr. Speaker: I am instructed by the council to return to your honorable body H. B. No. 24, an act concerning alimony in divorce cases, which has been amended by the council and passed as amended.

Also, H. B. No. 25, prohibiting minors from frequenting saloons and gambling houses, the same having been amended by the council and passed as amended.

Also, to transmit to you C. B. No. 21, relating to the supreme court reports, which has passed the council.

Respectfully submitted,

JNO. R. EARDLEY, Chief Clerk.

Amendments of the council to H. B. No. 24 were read, and on motion of Davis were referred to committee on judiciary for examination.

Council amendments to H. B. No. 25 were read, and on motion of Murray were concurred in.

H. B. No. 25, with council amendments were referred to committee on enrollment.

C. B. No. 21 was read first and second times, and referred to committee on judiciary.

By consent of the house, Moore introduced H. B. No. 48, entitled an act regulating the practice of dentistry in the territory of Montana, and Hunt introduced H. B. No. 49, entitled an act in relation to assignments of the estates of debtors for the benefit of creditors.

On motion of Haskell, the rules were suspended and H. B. No. 48 was read first time by title only and read second time.

On motion of Haskell rules were suspended and H. B. No. 48 was referred to committee on military affairs.

On motion of Hunt the rules were suspended and H. B. No. 49 was read first time by title only and second time, and referred to committee on printing and ordered printed.

C. B. No. 20 with house amendments thereto was read for third time, placed on its final passage and passed by the following vote:

Ayes—Carver, Comfort, Davis, Flowers, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Waite, Whitney, Willis, Mr. Speaker—20.

Nays—Blakely—1.

Absent—Congdon, Garrett and Swiggett—3.

Title agreed to.

Report of committee on engrossment:

Mr. Speaker: Your committee on engrossment to whom was referred H. B. 31, gambling sign bill, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

H. B. No. 31 was placed on calendar for third reading.

Second report of committee on engrossment:

Mr. Speaker: Your committee on engrossment to whom was referred H. B. No. 16, the mine inspector bill, respectfully report the same back correctly engrossed.

H. D. PICKMAN, Chairman.

H. B. No. 16 was placed on calendar for third reading.

House resolved itself into the committee of the whole to consider general orders.

Mr. Rea in the chair.

11:55 A. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

On motion of Davis a recess was taken until 2 p. m.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called.

Absent on leave, Congdon, Garrett, Swiggett and Saxton.

The speaker announced that he was about to sign C. B. No. 7 and house bills Nos. 10, 12, 9 and 6.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole to whom was referred C. B. No. 22, beg leave to report back the same with the recommendation that the amendments herewith submitted be adopted and as so amended the bill do pass.

Also, they have had under consideration H. B. No. 20, together with the amendments by the committee on election and territorial affairs, and recommend that the amendment herewith submitted be adopted, and as so amended the bill do pass.

REA, Chairman.

On motion of Joslyn, that portion of the report relating to C. B. No. 22, was received and amendments adopted.

Joslyn moved to amend C. B. 22, by striking out the word "sepulture," in line one of section 2 of printed bill and inserting the word "sepulchre" in lieu thereof. Motion carried and amendment was adopted.

C. B. No. 22, with amendment, was referred to committee on engrossment and amendment ordered engrossed.

On motion of Rea, that portion of the report of the committee of the whole, relating to C. B. No. 20, was adopted and C. B. No. 20, with amendments was referred to committee on engrossment and ordered engrossed.

House resolved itself into the committee of the whole to consider the general orders, Mr. Rea in the chair.

5:05 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

Following communications from the council were received:

COUNCIL CHAMBER,
Helena, February 26, 1889.

Mr. Speaker: I am instructed by the council to inform your honorable body that Kennedy introduced C. B. No. 41, to prohibit gambling, ordered printed.

Also, C. J. R. No. 12. to defray the expenses of the joint committee of the legislature appointed to visit the penitentiary and insane asylum.

Passed to general orders.

Also, that the council has concurred in house amendments to C. B. No. 20.

Also, that the council has indefinitely postponed consideration of H. B. No. 2. Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

COUNCIL CHAMBER,
Helena, February 26, 1889.

Mr. Speaker: I am directed to inform your honorable body that the council has appointed as a joint committee on the part of the council to further consider H. B. No. 18, providing for the registration of voters and request the appointment of a like committee on the part of the house.

The Council committee is composed of Thompson of Deer lodge, Brown and Middleton. Respectfully submitted.

JNO. R. EARDLEY, Chief Clerk.

On motion of Hunt the chair appointed a select committee of three consisting of Messrs. Hunt, Moore, and Haskell, to confer with a like committee of the council in regard to H. B. No. 18.

Report of enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report that H. B. No. 25, an act to amend section 241, chapter 13, fourth division, criminal laws, prohibiting minors from frequenting saloons and gambling houses is correctly enrolled and is herewith submitted for your signature.

GILLETTE, Chairman.

The speaker announced that he was about to sign H. B. No. 25.

Report of engrossment committee:

Mr. Speaker: Your committee on engrossment, to whom was referred house amendments to C. B. No. 22, respectfully report the same back correctly engrossed. PICKMAN, Chairman.

C. B. No. 22 was placed on the calendar for third reading.

On motion of Murray house adjourned.

LEE MANTLE, *Speaker*.

BENJ. WEBSTER, Chief Clerk.

FORTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, February 27, 1889.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Garrett.

Prayer by the chaplain.

Journal of the forty-fifth day read and approved.

A petition of 117 names was presented by Swiggett from the citizens of Wickes, Jefferson county, Montana, protesting against the passage of H. B. No. 30, increasing the license of liquor sellers.

Petition was read and referred to committee on ways and means.

Following reports were received:

Mr. Speaker: Your committee on judiciary, to which was referred H. B. No. 39, relative to the Montana law library, have the same under consideration, and report it back to the house with recommendation that it do pass.

Also, H. B. No. 24, relative to alimony in divorce cases, and recommend that the council amendments be concurred in.

HUNT. Chairman.

H. B. No. 39, with report, was placed on general orders.

On motion of Murray that portion of the report relating to council amendments to H. B. No. 24 was adopted, amendments were concurred in, and H. B. No. 24, with amendments, was referred to committee on enrollment and ordered enrolled.

Report of committee on enrollment:

Mr. Speaker: Your joint committee on enrollment beg leave to report that house bill Nos. 6, 9, 10, 12 and 25 were handed to the governor for his consideration this day at 10.10 a. m., February 27, 1889.

GILLETTE, Chairman.

Report of printing committee:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed house bills Nos. 40, 41, 42, 43, 44, 45 and 46.

CONGDON, Chairman.

H. B. No. 40 was referred to committee on Incorporations.

H. B. No. 41 was referred to committee on ways and means.

H. B. No. 42 was referred to committee on territorial affairs.

H. Bs. Nos. 43 and 45 were referred to judiciary committee.

H. B. No. 44 was referred to committee on education, labor and federal relations.

H. B. No. 46 was referred to committee on agriculture, manufacture and stock-growing.

Report of the committee of the whole.

Mr. Speaker: Your committee of the whole to whom was referred H. B. No. 21, have duly considered the same and recommend that the amendments herewith submitted be adopted, and as amended that the bill do pass. They have also had under consideration, H. B. No. 19, and recommend that it be indefinitely postponed. They have duly considered H. J. R. No. 6, and recommend that it be indefinitely postponed. Also, they have had under consideration C. B. No. 35, and recommend that the amendments herewith submitted be adopted and as so amended that the bill do pass.

REA, Chairman.

On motion of Rea, that portion of the report relating to H. B. No. 21, was received and amendments adopted.

H. B. No. 21, with amendments was referred to committee on engrossment and ordered engrossed.

On motion of Hunt, that portion of the report relating to H. B. No. 19 was received and adopted, and further consideration of H. B. No. 19 was indefinitely postponed.

On motion of Rea, that portion of the report relating to H. J. R. No. 6 was received and adopted, and further consideration of H. J. R. No. 6, was indefinitely postponed.

On motion of Davis, that portion of the report relating to C. B. No. 35 was received and amendments adopted.

Following motion was made by Moore:

Amend section four by inserting between the lines containing the words McGuffeys Revised Eclectic Fifth Reader and Fish's Arithmetic No. 1, the following words; Swinton's Word Book, retail price twenty-five cents, introduction eighteen cents, exchange ten cents.

Motion carried, and amendment was adopted.

Joslyn moved to re-refer the bill with amendments to the committee on education, labor and federal relations. Motion lost.

Following motion was offered by Joslyn:

Amend C. B. No. 35, by adding to section 4 as follows: "Provided that all school books now in use in the schools of Montana and which may be in the hands of dealers in Montana on July 1st, 1889, shall be accepted by the publishers or introducers of the new series herein provided for, at the cost prices of such books to such dealers, in exchange for the new series which shall be delivered in their stead at publishers regular prices to dealers: And provided further, that the exchange, herein required, shall only apply to the exchange of text books of one branch of learning for those of another similar branch of learning.

Motion lost.

Report of select committee:

Mr. Speaker: Your joint committee appointed to examine and investigate the offices and accounts of the territorial auditor and territorial treasurer beg leave to report; that in accordance with the resolution under which the committee was appointed, two competent, reliable and efficient experts were employed. That they have, under the supervision of the members of the committee, thoroughly investigated all the accounts of the two offices; examined every warrant and voucher; compared the bank accounts with the statements on the books, and investigated the condition of the two offices. The examination has been satisfactory to your committee, showing that the books balance, and that the cash accredited to the territory is deposited in the banks in Helena.

Your committee considered the question of allowing a clerk for the auditor's office, but concluded that there is at present no necessity for an additional clerk. Respectfully submitted,

Jos. DAVIS, Chairman.

On motion of Congdon, the report was received and spread upon the journal.

Following notices of bills were given:

By Swiggett—*Mr. Speaker:* I desire to give notice that on tomorrow or some future day I will introduce a bill to provide for filling vacancies in the office of county commissioners.

By Hunt—*Mr. Speaker:* I will tomorrow or some subsequent day, (by request,) introduce a bill for an act amending the laws relative to incorporated cities.

By Davis—*Mr. Speaker*: I hereby give notice that I will on tomorrow or some subsequent day, introduce a bill for an act to amend sections 239, 242, 243, 244, 256, 257, and 259, of the fifth division of the compiled statutes of Montana.

By consent of the house, Haskell, without previous notice, introduced house bill No. 50, entitled an act to provide for the appointment of a private secretary to the governor.

H. B. No. 50, was read first and second times.

On motion of Haskell the rules were suspended, the bill was considered engrossed, read a third time and placed on its final passage.

On motion of Blakely H. B. No. 50 was referred to committee on ways and means.

H. B. No. 31 was read third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Gillette, Haskell, Hunt, Joslyn, Jones, Johnson, Murray, Moore, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis and Mr. Speaker—23.

Absent—Garrett.

Title agreed to.

Following communication from the council received:

COUNCIL CHAMBER,
Helena, February 27, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that Kennedy has given notice of a bill in relation to the publication of notices required by law to be posted.

That Brown has introduced by leave, C. B. No. 45, in relation to irrigation and water rights. Ordered printed.

That Middleton has introduced C. B. No. 46, to provide for the levy of taxes and assessment of property. Ordered printed.

That Kennedy has introduced C. J. R. No. 13, to provide compensation for Frank R. Shoffer and J. V. Jerome, accountants. Referred to committee on ways and means.

Respectfully submitted, JNO. R. EARDLEY, Chief Clerk.

On motion of Whitney a recess was taken until 2 p. m.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called.

Absent on leave, Garrett.

Following report of committee on engrossment received:

Mr. Speaker: Your committee on engrossment to whom was referred house amendments to C. B. No. 35, relating to school text books, respectfully report them back correctly engrossed.

PICKMAN, Chairman.

C. B. No. 35 with amendments was placed on the calendar for third reading.

H. B. No. 16 was read third time, placed on its final passage and passed by the following vote:

Ayes—Carver, Congdon, Davis, Gillette, Haskell, Hunt, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Whitney, Willis, Mr. Speaker—18.

Nays—Blakely, Comfort, Flowers, Johnson, Waite—5.

Absent—Garrett—1.

On motion of Haskell the title of H. B. No. 16 was amended by striking out the word "establish" and inserting in lieu thereof the word "create;" also by adding the words "to define his duties."

Title as amended agreed to.

Following report of committee on engrossment received:

Mr. Speaker: Your committee on engrossment to whom was referred house substitute for H. B. No. 14, relating to dower rights of insane married women, H. B. No. 20, relating to bottles, boxes and siphons, and H. B. No. 27, relating to county treasurers, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

H. Bs. No. 14, 20 and 27 were placed on calendar for third reading.

H. B. No. 27 was read third time, placed on its final passage and passed by the following vote:

Ayes—Carver, Comfort, Congdon, Haskell, Hunt, Jones, Moore, Murray, Pickman, Roberts, Swiggett, Willis—12.

Nays—Blakely, Davis, Flowers, Gillette, Johnson, Joslyn, Saxton, Waite, Whitney, Mr. Speaker—10.

Absent—Garrett and Rea.

Title agreed to.

H. B. No. 14, was read third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—23.

Absent—Garrett—1.

On motion of Haskell title was amended by striking out the words, "a bill for."

Title as amended agreed to.

H. B. No. 20 was read a third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Garver, Comfort, Congdon, Davis, Flowers, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—23.

Absent—Garrett.

On motion of Haskell the clerk was directed to correct the bill where the words "or by such fine and imprisonment" were repeated.

Title agreed to.

C. B. No. 35 with house amendments was read third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Flowers, Gillette, Haskell, Hunt, Johnson, Jones, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis and Mr. Speaker—21.

Nays—Joslyn—1.

Absent—Davis and Garrett—2.

Title agreed to.

C. B. No. 22 was read third time, with house amendments placed on its final passage, and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Haskell, Gillette, Hunt, Jones, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis and Mr. Speaker—21.

Absent—Garrett, Johnson and Joslyn—3.

On motion of Haskell title was amended by striking out the words "a bill for."

Title as amended agreed to.

Report of committee on ways and means.

Mr. Speaker: Your committee on ways and means, to whom was referred H. B. No. 50, beg leave to report that they have examined the same, and recommend that the same do pass with amendments as offered by this committee.

JOSLYN, Chairman.

On motion of Rea report was received and amendments were adopted.

H. B. No. 50 was referred to committee on engrossment and ordered engrossed.

Report of committee on engrossment:

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 50, beg leave to report the same back correctly engrossed.

PICKMAN, Chairman.

On motion of Murray the rules were suspended, and H. B. No. 50 was read third time, and at once placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Gillette, Haskell, Hunt, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis and Mr. Speaker—22.

Nays—none.

Absent—Garrett and Johnson.

House resolved itself into the committee of the whole to consider general orders.

Mr. Comfort in the chair.

4:30 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

Roberts moved to take a recess until 8 p. m.

Joslyn moved to amend by adjourning.

Amendment carried and house adjourned.

LEE MANTLE, Speaker.

BENJAMIN WEBSTER, Chief Clerk.

FORTY-SIXTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, February, 28, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Garrett.

Prayer by the chaplain.

Journal of the forty-fifth day read and approved.

Following message was received from the governor:

EXECUTIVE OFFICE,
Helena, Montana, February, 28, 1889.

Gentlemen of the House of Representatives:

I have the honor to inform you that I have read, approved and signed bills which originated in your body as follows, to-wit: Bill No. 9, entitled an act for the better protection of game and fish. Bill No. 12, entitled an act to amend an act to enable cities and towns to increase indebtedness. Bill No. 10, entitled an act to provide for the compensation of justices of the peace, and an act entitled an act to regulate the practice of medicine in the territory of Montana, and to provide for the examination and issuing of certificates to persons desirous of practicing the same, and for the punishment of persons violating the provisions of this act, which last mentioned bill is numbered 6.

Respectfully, P. H. LESLIE.

A petition of fifty names from the residents of Madison county was presented by Comfort asking that the legislature appropriate \$5,000 for premiums, to be distributed at the fair, held annually at Twin Bridges.

Petition read and referred to committee on agriculture, manufacture and stock-growing.

Also, a petition of sixty names from the citizens of Madison county was presented by Comfort remonstrating against the setting off a portion of Madison county and attaching the same to Gallatin county.

Petition read and referred to committee on towns, counties and highways.

Following reports were received.

Mr. Speaker: Your committee on mines and minerals have had under consideration H. B. No. 34, and report the same back to the house with the recommendation that it do pass.

ROBERTS, Chairman.

H. B. No. 34 with report was placed on general orders.

Report of committee on incorporations:

Mr. Speaker: Your committee on incorporations to whom was referred H. B. No. 35, a bill entitled; "An act to amend section 334, fifth division, compiled statutes of Montana, relating to printing and posting city ordinances," recommend its passage.

CARVER, Chairman.

H. B. No. 35, with report of committee was placed on general orders.

Report of committee on military affairs:

Mr. Speaker: Your committee on military affairs to whom was referred H. B. No. 48, relating to the practice of dentistry in Montana, beg to report the same back with the recommendation that the same be indefinitely postponed.

SWIGGETT, Chairman.

H. B. No. 48, with report of committee was placed on general orders.

Report of committee on elections and territorial affairs:

Mr. Speaker: Your committee on elections and territorial affairs have considered H. B. No. 42, and beg leave to report the same back with recommendation that it do pass.

REA, Chairman.

H. B. No. 42 with report of committee was placed on general orders.

Report of committee on ways and means:

Mr. Speaker: Your committee on ways and means to which was referred H. B. No. 30, respectfully report that they have considered said bill, and return it herewith with a substitute for the same and recommend that the substitute be adopted.

JOSLYN, Chairman.

H. B. No. 30 with substitute, was placed on general orders.

Following report of enrollment committee was received:

Mr. Speaker. Your joint committee on enrollment beg leave to report C. B. No. 20, an act to amend section 255, first division of compiled statutes, relating to the formation of the jury has been correctly enrolled and is herewith submitted for your signature.

GILLETTE, Chairman.

Report of committee on judiciary.

Mr. Speaker: Your committee on judiciary, to which was referred the following bills, have considered the same and report them back to the house with the recommendations herewith submitted.

C. B. No. 21, relative to supreme court reporter with amendments herewith submitted, and recommend that as amended it do pass.

H. B. No. 47, relative to limitations with amendments herewith submitted and recommend that as amended it do pass.

H. B. No. 45, relative to railroads with amendments herewith submitted and recommend that as amended the bill do pass.

H. B. No. 43, relative to codifying the laws with amendments herewith submitted and recommend that as amended the bill do pass.

H. B. No. 32, relative to sole traders with a substitute herewith submitted and the recommendation that the substitute be adopted and passed.

HUNT, Chairman.

C. B. No. 21 with report and amendments of committee were placed on general orders.

On motion of Haskell the rules were suspended and the reading of substitute to H. B. No. 32 was omitted and H. B. No. 32 with substitute was placed on general orders.

House bills numbers 43, 45 and 47 with amendments of committee were placed on general orders.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole have had under consideration H. B. No. 1, and have been instructed to report the same back with the recommendation that it be referred to a select committee of four, consisting of the following named gentlemen: Messrs. Haskell, Hunt, Willis and Blakely.

COMFORT, Chairman.

On motion of Rea the report was adopted and H. B. No. 1 was referred to a select committee consisting of the above named gentlemen.

Report of the select committee:

Mr. Speaker: Your select committee appointed to report and amend the amendments reported by the committee of the whole house to H. B. No. 26, relative to municipal incorporations, report that they have had the same under consideration and recommend that the corrections and revisions made on the amendments themselves be adopted.

HUNT, Chairman.

On motion of Comfort report was received and amendments to house bill No. 26 as considered by the select committee were adopted and referred to committee on engrossment and ordered engrossed.

Report of committee on towns counties and highways:

Mr. Speaker: Your committee on towns, counties and highways to which was referred house bill No. 36, an act to change the boundary line between Madison and Gallatin county, have considered the same and report the same back with accompanying amendments and recommend its passage as amended.

ROBERTS, Chairman pro tem.

H. B. No. 36 with the amendments of the committee were placed on general orders.

The following bills were introduced:

By Blakely—H. B. No. 51, entitled a bill for an act relating to the purchase and construction of bridges in the several counties of Montana.

By Blakely—H. B. No. 52, a bill for an act closing certain business houses on Sunday.

By Swiggett—H. B. N. 53, a bill for an act to fill vacancies in the office of the county commissioners.

By Davis—H. B. No. 54, a bill for an act to amend section 239, 242, 243, 244, 256, 257, and 259, fifth division of the compiled statutes of Montana.

H. B. Nos. 51, 52, 53 and 54 were read first and second times, referred to committee on printing and ordered printed.

House resolved itself into committee of the whole to consider general orders.

Mr. Waite in the chair.

11:45 A. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

The Speaker announced that he was about to sign C. B. No. 20.

On motion of Murray, recess was taken until 2 p. m.

2:00 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Garrett.

House resolved itself into the committee of the whole.

Mr. Waite in the chair.

4:30 P. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

The following message was received from the council:

COUNCIL CHAMBER,
Helena, Montana, February 28, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the council has concurred in house amendments to C. B. No. 35, relating to text-books, etc., but refuse to concur in a certain house amendment to C. B. No. 22, relating to cemeteries, etc., and that Messrs. Kennedy, Thompson of Deer Lodge, and Bickford have been appointed a conference committee on the part of the council to meet a like committee on the part of your honorable body in reference to said amendment.

Also, that the council has appointed Messrs. Middleton, Brown and Hoffman as a special committee to further consider C. B. No. 17, relating to the time when acts of the legislature shall take effect, and respectfully ask the appointment of a like committee on your part to act in conjunction with the council committee in further considering said bill. Also, that Collins has introduced C. B. No. 47, relating to chattel mortgages.

Referred to committee on judiciary.

That Bickford has introduced the following bills:

C. B. No. 48, concerning public schools.

Ordered printed.

C. B. No. 49, concerning the administration of public schools in incorporated cities.

Ordered printed.

Respectfully submitted,
JOHN R. EARDLEY, Chief Clerk.

COUNCIL CHAMBER,
Helena, Montana, February 28, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the following bills have been introduced.

By Middleton—C. B. No. 50 to provide for execution, levy and sale of certain animals running at large. Ordered printed.

By Brown—C. B. No. 51, relating to appeals from the decision of county commissioner. Ordered printed.

Respectfully submitted,

JNO. R. EARDLEY, Chief Clerk.

On motion of Joslyn, the speaker appointed as members from the house of the committee of conference in relation to house amendments to C. B. No. 22, Messrs. Joslyn, Rea and Saxton.

The speaker instructed the chief clerk to inform the council that the members of the committee of conference appointed by the house in relation to C. B. No. 17, has not made its final report, and has been instructed to confer with the committee appointed by the council.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole to whom was referred C. B. No. 32, have duly considered the same and recommend that the consideration of the bill be indefinitely postponed.

Also, they have had under consideration three sections of C. B. No. 1, and beg leave to report back the bill with amendment and recommend that the bill be referred to a select committee.

Also, they have had under consideration H. B. No. 39, and recommend that it do pass.

Also, that they have considered H. B. No. 34, and recommend that the amendment herewith submitted be adopted and as so amended the bill do pass. WAITE, Chairman.

On motion of Waite that portion of the report relating to H. B. No. 34, was received and adopted and bill with amendment was referred to committee on engrossment and ordered engrossed.

On motion of Waite that portion of report relating to C. B. No. 32, was received and adopted and further consideration of C. B. No. 32, was indefinitely postponed.

On motion of Swiggett, that portion of the report relating to C. B. No. 1, was received and adopted.

The speaker appointed Messrs. Hunt, Moore, and Saxton, as the select committee to which C. B. No. 1 was referred.

On motion of Rea, that portion of report relating to H. B. No. 39 was received and adopted, and bill was referred to committee on engrossment and ordered engrossed.

Following reports were received:

Report of committee on ways and means.

Mr. Speaker: Your committee on ways and means to whom was referred H. B. No. 9 for relief of John X. Biedler, beg leave to report the same without recommendation.

JOSLYN, Chairman.

H. J. R. No. 9 was placed on general orders.

Report of committee on elections and territorial affairs.

Mr. Speaker: Your committee on elections and territorial affairs have had under consideration H. B. No. 33, and recommend that it do pass.

F. S. WHITNEY, Chairman.

H. B. No. 33 was placed on general orders.

Second report of committee on elections and territorial affairs.

Mr. Speaker: Your committee on elections and territorial affairs have had H. B. No. 17 under consideration and report it back without recommendation.

F. S. WHITNEY, Chairman.

H. B. No. 17 was placed on general orders.

Mr. Speaker: Your committee on elections and territorial affairs to whom was referred H. B. No. 37, have had the same under consideration and recommend that it do pass.

F. S. WHITNEY, Chairman.

H. B. No. 37 was placed on general orders.

On motion of Swiggett, the house adjourned.

LEE MANTLE, Speaker.

BENJAMIN WEBSTER, Chief Clerk.

FORTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, March 1, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Garrett.

Prayer by the chaplain.

Journal of the forty- sixth day read and approved.

Following reports were received:

Mr. Speaker: Your committee on education, labor, and federal relations, to whom was referred to H. B. No. 44, beg leave to report it back with the following amendments and recommend that it do pass as amended.

MURRAY, Chairman.

H. B. No. 44 with amendments and report of committee was placed on general orders.

Report of committee on ways and means:

Mr. Speaker: Your committee on ways and means, to whom was referred H. B. No. 22, beg leave to report the same with amendments, and that as amended it do pass.

JOSLYN, Chairman.

H. B. No. 22, with amendments and report of the committee, was placed on general orders.

Report of enrollment committee:

Mr. Speaker: Your joint enrollment committee beg leave to report that C. B. No. 20 concerning the formation of the jury was submitted to the governor for his consideration at 4.01 p. m., February 28, 1889.

GILLETTE, Chairman.

Report of the conference committee:

Mr. Speaker: Your committee appointed to confer with a like committee from the council, relating to amendments of the the house to C. B. No. 17, beg leave to report that we have receded from said amendments, and in conjunction with the council committee, have agreed to an amendment herewith submitted.

JOHNSON, Chairman.

Comfort moved that the report of the committee be received and amendments recommended be adopted.

Hunt moved that the following amendments to amendments of conference committee be adopted:

Add sections 2 and 3 as follows:

Section 2. Section 1308 of the fifth division of compiled laws of Montana and all acts and parts of acts in conflict with this act be and is hereby repealed.

Section 3. This act shall take effect from and after March 10th, 1889.

Motion carried and amendments were adopted.

Preceding motion of Comfort was carried and amendments of the committee of conference as amended were adopted.

On motion of Hunt, amendments were referred to committee of conference.

Report of engrossment committee:

Mr. Speaker: Your committee on engrossment to whom was referred H. B. No. 26, relating to municipal corporations, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

House bill No. 22 was placed on the calendar for the third reading.

Following bill was introduced:

By Blakely—H. B. No. 55, entitled an act to encourage the establishing of a paper mill and the manufacture of paper.

H. B. No. 55 was read first and second times and ordered printed.

On motion of Murray, the rules were suspended and H. B. No. 26 was read third time by title only. Section 14 was read for information and on motion of Haskell was amended by striking out the word "may" in line 22 of section 14, and inserting in lieu thereof the word "to," and the clerk was instructed to make the alteration.

H. B. No. 26 was placed on its final passage and passed by following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—23.

Absent—Garrett—1.

On motion of Moore the title was amended by striking out the words "a bill for."

Title as amended agreed to.

On motion of Murray, the rules were suspended.

H. B. No. 39 was recalled from the engrossment committee, considered engrossed, and placed on the calendar for third reading.

House resolved itself into the committee of the whole to consider general orders.

Mr. Blakely in the chair.

12 O'CLOCK M.

House resumed.

Mr. Speaker in the chair.

Following message from the council was received:

COUNCIL CHAMBER,
Helena, Montana, March 1, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the council has concurred in amendments recommended by the joint committee to house bill No. 18, relating to registration of voters, etc.

That the following bills were introduced:

By Kennedy—C. B. No. 52, concerning publication of notices required by law to be posted. Ordered printed.

By Thompson, of Silver Bow—C. B. No. 53, concerning school bonds. Ordered printed.

By Thompson, of Deer Lodge—C. B. No. 54, to reimburse sheriff's holding office in 1885 and 1886, for board of prisoners. Referred to committee on ways and means. Respectfully,
JNO. R. EARDLEY, Chief Clerk.

Report of enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report that H. B. No. 24, an act to amend section 1004 of chapter 58 of the compiled statutes of Montana, concerning alimony in divorce cases, and council bill No 35, an act to establish a series of text books for the public schools of Montana, are correctly enrolled and are herewith submitted for your signature.

GILLETTE, Chairman.

The speaker announced that he was about to sign H. B. No. 24 and C. B. No. 35.

On motion of Rea a recess was taken until 2 p. m.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Garrett.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole to whom was referred H. B. No. 35, recommend that the bill do pass.

Also they have had under consideration house bill No. 48, and recommend that further consideration of the bill be indefinitely postponed.

Also, they have duly considered H. B. No. 42, and recommend that the amendment herewith submitted be adopted, and as so amended the bill do pass.

Also, they have duly considered H. B. No. 30, together with the substitute reported by the committee on ways and means, and recommend that the substitute be adopted and passed.

Also, that they have duly considered C. B. No. 21, together with the amendments reported by the committee on judiciary, and recommend that the amendments be adopted, and as so amended the bill do pass.

BLAKELY, Chairman.

On motion of Blakely that portion of the report relating to H. B. No. 35 was received, and H. B. No. 35 was referred to committee on engrossment and ordered engrossed.

On motion of Swiggett that portion of the report relating to H. B. No. 48 was received and adopted, and H. B. No. 48 was indefinitely postponed.

On motion of Rea, that portion of the report relating to H. B. No. 30, and substitute thereto, was received and adopted. H. B. No. 30, with substitute, was referred to committee on engrossment and ordered engrossed.

On motion of Jones that portion of the report relating to C. B. No. 21 was received and adopted, and C. B. No. 21, with amendments of judiciary committee, was referred to committee on engrossment, and amendments ordered engrossed.

Report of committee on towns, counties and highways:

Mr. Speaker: Your committee on towns, counties and highways, to which was referred H. B. No. 38, beg leave to report back the same with recommendation that it do pass.

JONES, Chairman, pro tem.

H. B. No. 38, with report of committee, was placed on general orders.

Report of engrossment committee.

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 34, concerning the locating and recording of mining claims, respectfully report back the same correctly engrossed.

PICKMAN, Chairman.

Second report of committee on engrossment.

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 21, providing a territorial board of examiners, respectfully report the same back correctly engrossed.
PICKMAN, Chairman.

House bills Nos. 21 and 34 were placed on calendar for third reading.

House resolved itself into the committee of the whole to consider the general orders.

Mr. Blakely in the chair.

4:20 P. M.

House resumed.

Mr. Speaker in the chair.

The following message from the Governor was received:

TERRITORY OF MONTANA, EXECUTIVE OFFICE,
Helena, March 1, 1889.

Gentlemen of the House of Representatives:

I return herewith to you with these, my objections, the bill No. 25, which originated in your body, entitled "an act to amend section 241, chapter 13, fourth division of compiled statutes of Montana, prohibiting minors from frequenting saloons and gambling houses." The present law of Montana forbids every person, who, keeping a saloon or dram shop, or gambling house or other place of resort wherein intoxicating liquors are sold by retail, or games of chance are played, to knowingly permit any minor to resort to or stop therein. And for a violation of this law, the penalty or fine and imprisonment, or either shall be imposed.

The bill under consideration proposes to amend that law by adding to it, "that any minor who shall knowingly or habitually lounge around or resort to any saloon, or shall falsely and fraudulently represent himself to be over the age of twenty-one years for the purpose of being allowed to resort to or lounge around a saloon, or obtain intoxicating liquors from the owner thereof, shall be deemed guilty of a misdemeanor, and punished by fine or imprisonment, both or either." It will be seen that this amendment points only to saloons as the places to which minors are forbidden to resort to or lounge around, leaving them free to go to, or lounge around, leaving them free to go too frequent, or lounge around the gambling houses or any other place however full of evil temptation it may be.

A minor is any person under twenty-one years of age, and this provision embraces and includes all the children capable of understanding between the cradle and twenty-first birthday, whether they be children of the saloonkeeper, who may have them employed or otherwise serving him in or about his saloon or in resorting thereto or lounging around there, or the children of the neighbor who lives next door thereto or adjoining the premises where the saloon is carried on. Moreover it deprives every young man under twenty-one years of age from being employed in any capacity as a servant or laborer about such business places. These conditions suggest to my mind much of farce against the wide scope of the bill, for while the law making power of the civil government should be careful in its enactment of law to warn its subjects against temptations of evil tendency, it is questionable whether in this instance the care should not be provided at the other end, that is, to disallow the opening and keeping of such places adorned and filled with temptations to unsuspecting youth, and to the weakness of some who are of riper years. It is all well enough to compel the keeper of such places to guard its approach against minors and to disallow profit by sale to them. I submit the question for your consideration: Is it within the power of the civil government to license and provide for the carrying on publicly of a business and at the same time classify its citizens as to who of them may go the place of its operation, and impose a penalty upon another class if they do go there? Has the legislature the power to pass a law prohibiting and making it a penal offense for women to go to, lounge around or resort to a saloon? Or for preachers of the gospel to do so? Or for lawyers or public officers or indeed any one particular class of people? Is not this class legislation? That is to say, legislation securing exclusive privileges to one class of the people to assemble at and revel in saloons and gambling houses at will, but denying to another class such luxury of free government. But the main objection I have to the bill is that it not only interferes with the choice of the parent in the control and direction of the child, but opens the doorway for increasing troubles and sorrows to come to the fathers and mothers. I am in full sympathy and harmony with what I understand to be the spirit and purpose of the bill. But the persuading voice of home council and the vigilance of parental care in this land of light and instructive institutions are safer guarantee to the children against the danger suggested than a penal statute to be enforced by the police who stand about the legalized places of vice and crime.

These reasons and suggestions are respectfully presented in thus withholding my approval of the bill. I have the honor to be, etc.,

P. H. LESLIE.

On motion of Davis the further consideration of the message was made a special order for to-morrow at 11 a. m.

H. B. No. 39 was read third time, placed on its final passage and passed by the following vote:

Ayes—Comfort, Congdon, Davis, Haskell, Hunt, Moore, Murray, Pickman, Rea, Roberts, Swiggett, Whitney, Willis and Mr. Speaker—14.

Absent—Blakely, Carver, Flowers, Garrett, Gillette, Johnson, Jones, Joslyn, Saxton and Waite—10.

Title agreed to.

H. B. No. 34, on motion of Hunt, was referred to the committee on mines and minerals, with instructions to report to-morrow.

On motion of Davis house adjourned.

LEE MANTLE, Speaker.

BENJAMIN WEBSTER, Chief Clerk.

FORTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,

Helena, Montana, March 2, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Garrett, Moore and Davis.

Prayer by the chaplain.

Journal of the forty-seventh day read and approved.

On motion of Swiggett the reading clerk of that portion of the journal containing the governor's message was omitted.

Following reports were received:

Mr. Speaker: Your select committee to whom was referred H. B. No. 1, have had the same under consideration and report a substitute therefor and recommend that the substitute pass.

BLAKELY, Chairman.

On motion of Congdon the report of the committee was received and substitute adopted.

H. B. No. 1, with substitute was referred to committee on engrossment and substitute was ordered engrossed.

Report of conference committee:

Mr. Speaker: Your conference committee appointed to confer and act with a like committee from the council, on C. B. No. 17, respectfully report that they have done so and the committee have accepted house amendments. JOHNSON, Chairman.

On motion of Johnson the report was received and adopted, and the committee discharged.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole to whom was referred H. B. No. 32, together with the substitute recommended by the committee on judiciary have duly considered the bill and substitute and recommend that the substitute be referred to the committee on printing and ordered printed.

Also, they have had under consideration H. B. No. 43, together with amendments reported by the judiciary committee and recommend that the amendments herewith submitted be adopted, and as so amended by the judiciary committee together with the committee of the whole, the bill do pass.

Also, they have duly considered H. B. No. 45, together with the amendments reported by the judiciary committee and recommend that the amendments herewith submitted be adopted and as so amended by the judiciary committee, together with the committee of the whole, the bill do pass.

Also, they have had under consideration H. B. No. 47, together with the amendments reported by the judiciary committee, and recommend that the amendments be adopted, and as so amended the bill do pass. BLAKELY, Chairman.

On motion of Congdon that portion of the report relating to H. B. No. 32 was received and substitute adopted.

H. B. No. 32, with substitute was referred to committee on engrossment and ordered engrossed.

On motion of Swiggett, that portion of the report relating to H. B. No. 43, was received and amendments adopted.

H. B. No. 43, with amendments, was referred to committee on engrossment and amendments ordered engrossed.

On motion of Blakely that portion of the report relating to H. B. No. 45 was received and amendments adopted, and the bill with amendments was referred to committee on engrossment and ordered engrossed.

On motion of Blakely that portion of the report relating to H. B. No. 47 was received and adopted, and H. B. No. 47, together with the amendments was referred to committee on engrossment and ordered engrossed.

Report of committee on incorporation:

Mr. Speaker: Your committee on incorporations, to whom was referred H. B. No. 29, herewith offer the following amendments, and as so amended recommend its passage:

CARVER, Chairman.

H. B. No. 29, with amendments, was placed on general orders.

Report of engrossment committee:

Mr. Speaker: Your committee on engrossment to whom was referred H. B. No. 30, concerning licenses; H. B. No. 42, concerning the duties of county treasurers in relation to advertising county warrants; H. B. No. 35, concerning the printing and posting of city ordinances, and house amendments to C. B. No. 21, relating to supreme court reports, respectfully report the same back correctly enrolled.

PICKMAN, Chairman.

House bills No. 30, 35, and 42, and C. B. No. 21, with amendments were placed on the calendar for third reading.

Following bill was introduced by Hunt:

H. B. No. 56, a bill relating to the compensation of the mayor and aldermen of incorporated cities and authorizing the passage of certain ordinances regulating the construction of buildings.

H. B. No. 56 was read first and second times and ordered printed.

On motion of Rea, the rules were suspended and H. B. No. 21 was read third time by title only, placed on its final passage and passed by the following vote.

Ayes—Carver, Comfort, Congdon, Flowers, Haskell, Hunt, Jones, Joslyn, Murray, Pickman, Rea, Roberts, Swiggett, Waite, Whitney, Willis, Mr. Speaker—17.

Nays—Blakely, Gilletts, Johnson, Saxton—4.

Absent—Davis, Garrett and Moore—3.

Title agreed to.

H. B. No. 42 was read a third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Flowers, Murray, Rea, Roberts, Whitney, Willis and Mr. Speaker—11.

Nays—Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Pickman, Saxton, Swiggett and Waite—10.

Absent—Davis, Garrett and Moore—3.

Title agreed to.

H. B. No. 35 was read a third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Gillette, Haskell, Johnson, Jones, Murray, Rea, Roberts, Saxton, Swiggett, Waite, Whitney and Willis—16.

Nays—Flowers, Joslyn, Pickman and Mr. Speaker—4.

Absent—Davis, Garrett, Hunt and Moore—4.

Title agreed to.

H. B. No. 30 was read third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis and Mr. Speaker—20.

Nay—Flowers—1.

Absent—Davis, Garrett, Moore—3.

Title agreed to.

C. B. No. 21, with amendments was read a third time, placed on its final passage and passed by the following vote.

Ayes—Blakely, Carver, Comfort, Congdon, Flowers, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Whitney, Willis, Mr. Speaker—20.

Absent—Davis, Garrett, Moore, Waite—4.

Title agreed to.

On motion of Hunt, house resolved itself into the committee of the whole to consider the governor's message, in relation to H. B. No. 25 which was made a special order for this hour.

Mr. Swiggett in the chair.

12:45 P. M.

House resumed.

Mr. Speaker in the chair.

Joslyn moved to take a recess until 2:30 p. m.

Congdon moved to amend by making the hour 2 p. m.

2 P. M.

House resumed.

Mr. Speaker.

Leave of absence was granted Moore until Monday noon.

Leave of absence was granted Jones until Tuesday noon.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole, to whom was referred H. B. No. 25, together with the veto from the governor have considered the same and beg leave to report the bill and veto back, with the recommendation that the bill be passed notwithstanding the veto of the governor.

SWIGGETT, Chairman.

The motion that H. B. No. 25 be passed, notwithstanding the governor's veto, was lost by the following vote:

Ayes—Carver, Comfort, Haskell, Jones, Murray, Pickman, Roberts, Saxton, Whitney, Willis—10.

Nays—Blakely, Flowers, Gillette, Hunt, Johnson, Joslyn, Rea, Swiggett, Mr. Speaker—9.

Absent—Congdon, Davis, Garrett, Moore, Waite—5.

The house resolved itself into the committee of the whole to consider the general orders.

Mr. Whitney in the chair.

3:35 P. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

By consent of the house, Rea introduced H. C. R. No. 11, limiting the time of introducing bills.

H. C. R. No. 11 read first and second times.

On motion of Murray the rules were suspended, the resolution was considered engrossed, read third time and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Flowers, Gillette, Haskell, Hunt, Johnson, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Wait, Willis—17.

Nays—Whitney, Mr. Speaker—2.

Absent—Davis, Jones, Joslyn, Moore, Garrett—5.

Title agreed to.

Report of printing committee:

Mr. Speaker: Your committee on printing be leave to report as correctly printed H. B. No. 49.

CONGDON, Chairman.

H. B. No. 49 was referred to committee on judiciary.

Report of committee on engrossment:

Mr. Speaker. Your committee on engrossment, to whom was referred H. B. No. 47, concerning limitations of actions, report the same back correctly engrossed.

PICKMAN, Chairman.

H. B. No. 47 was placed on the calender for third reading.

Mr. Speaker: Your committee on engrossment to whom was referred H. B. No. 43, relating to a commission th codify the statutes, and H. B. No. 1, relating to assessors, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

House bills Nos. 1 and 43 were placed on the calendar for third reading.

Report of committee on enrollment:

Your joint committee on enrollment beg leave to report that H. B. No. 24, concerning alimony in divorce cases, and C. R. No. 35, to provide a series of text books, were presented the Governor for his consideration at 2:22 this p. m.

2d March, 1889.

GILLETTE, Chairman.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole, to whom was referred H. B. No. 36, together with the amendments reported by the committee on towns, counties and highways, report back the same with the recommendation that it do not pass.

F. S. WHITNEY, Chairman.

On motion of Roberts report was received.

On motion of Hunt H. B. No. 43 was taken from the calendar.

On motion of Hunt rules were suspended.

H. B. No. 43 was considered read a third time.

By unanimous consent of the house Hunt offered the following amendments:

In section 2, line 13, after the word "treat" insert the words "of the sovereignty and people of the state." In the same line

strike out the word "the" before the word "political." Also, in line 14, section 2, after the words "division of" add the words "the state, the."

Motion carried, amendments adopted and the clerk was instructed to insert the amendments.

H. B. No. 43 placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Gillette, Haskell, Hunt, Murray, Pickman, Roberts, Saxton, Waite, Willis, Whitney and Mr. Speaker—15.

Nays—Johnson, Rea—2.

Absent—Davis, Flowers; Garrett, Jones, Joslyn, Moore, Swiggett—7.

Title agreed to.

Following communication from the council was received:

COUNCIL CHAMBER,
Helena, Montana, March 2, 1889.

Mr. Speaker: I am directed to return to your honorable the following bills which have passed the council:

H. B. No. 18 and amendments, providing for the registration of voter, etc.

H. B. No. 31, to repeal section 206, chapter 11, compiled statutes of Montana.

H. J. R. No. 12, for the payment of telegrams.

Also to transmit to you the following bills which passed the council:

C. B. No. 8, to provide for printing and distributing ballots at the public expense, etc.

C. B. No. 39, amending the probate practice act.

C. J. R. No. 12, to defray expenses of joint committee to visit penitentiary.

Respectfully submitted,

JNO. R. EARDLEY, Chief Clerk.

Congdon moved to adjourn until Monday, March 4, at 2 p. m.

Blakely moved to amend by making it 10 a. m.

Amendment carried and house adjourned until Monday.

W. H. HUNT, Speaker pro tem.

BENJAMIN WEBSTER, Chief Clerk.

FIFTIETH DAY.

HOUSE OF REPRESENTATIVES,
Helena, March 4th, 1889.

House met pursuant to adjournment at 10 a. m.

On motion of Haskell, Hunt took the chair.

Roll called—quorum present.

Absent on leave—Garrett, Jones, Moore, Swiggett, Whitney,

Mr. Speaker.

Prayer by chaplain.

Journal of the forty-eighth day read and approved.

Following reports were received:

Report of engrossment committee:

Mr. Speaker: Your committee on engrossment to whom was referred H. B. No. 45, concerning railroad corporations, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

H. B. No. 45 was placed on calendar for third reading.

Report of committee on mines and minerals:

Mr. Speaker: Your committee on mines and minerals beg leave to report H. B. No. 34, with the following amendments to the same:

ROBERTS, Chairman.

H. B. No. 34, with report of committee, was placed on general orders.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole, to whom was referred H. J. R. No. 91, have carried the same and report it back with the recommendation that it do not pass.

WHITNEY, Chairman.

On motion of Murray report was received and adopted.

By consent of the house Murray introduced, without previous notice, H. B. No. 57.

On motion of Joslyn, chief clerk was excused from attendance for the day.

Following communication was received from the council:

COUNCIL CHAMBER,
Helena, Montana, March 2, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that Collins has introduced C. B. No. 55, to

change the boundary line between Cascade and Meagher counties. Referred to committee on towns and counties.

Also that the house refuses to concur in certain amendments made by the house to C. B. No. 21, relating to the reports of the supreme court, and that Messrs. Kennedy, Wm. M. Thompson and Olds have been appointed a conference committee to confer with a like committee from your honorable body upon said amendments. Respectfully submitted,

JNO. R. EARDLEY, Chief Clerk.

Murray moved that a committee of three be appointed to confer with a like committee from your honorable body upon said amendments. Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

Murray moved that a committee of three be appointed to confer with the council committee in regard to certain house amendments to C. B. No. 21.

The speaker, *pro tem*, appointed as such committee from the house Messrs. Murray, Saxton and Haskell.

H. B. No. 57 read first and second times.

Murray moved that the rules be suspended and H. B. No. 57 be referred to committee on engrossment.

Murray withdrew his motion and on motion of Haskell the rules were suspended and H. B. No. 57 was referred to committee on judiciary.

Substitute for H. B. No. 1 was read a third time, placed on its final passage, read again for information and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Haskell, Hunt, Johnson, Joslyn, Murray, Pickman, Rea, Roberts, Saxton, Waite, Willis—14.

Nays—Davis and Flowers—2.

Absent—Congdon, Garrett, Gillette, Jones, Moore, Swiggett, Whitney, Mr. Speaker—8.

Title agreed to.

H. B. No. 47 read a third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Davis, Flowers, Haskell, Hunt, Johnson, Joslyn, Murray, Pickman, Rea, Roberts, Saxton, Waite, Willis—16.

Nays—0.

Absent—Congdon, Garrett, Gillette, Jones, Moore, Swiggett, Whitney, Mr. Speaker—8.

Title agreed to.

On motion of Blakely, Moore was excused for the day.

On motion of Comfort, Swiggett was excused for the day.

On motion of Joslyn, the speaker was excused for the day.

On motion of Haskell, Whitney was excused for the day.

On motion of Joslyn, consideration of council amendments to H. B. No. 18 was deferred until tomorrow.

Murray moved that the rules be suspended, H. J.R. No. 9 be considered engrossed, read a third time, and placed on its final passage.

Blakely moved to amend by substituting "that the rules be suspended and resolution be referred to select committee of three.

Amendment lost.

Murray's original motion lost.

H. J. R. No. 9 was referred to committee on engrossment and ordered engrossed.

On motion of Murray H. B. No. 45 was recommitted to engrossment committee.

On motion of Waite, house took a recess until 2 p. m.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Garrett, Jones, Swiggett, Whitney and Carver.

Report of engrossment committee:

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 45, concerning railroad corporations, and H. J. R. No. 9 for the relief of J. X. Biedler respectfully report the same back correctly engrossed. PICKMAN, Chairman.

H. B. No. 45 and H. J. R. No. 9 was placed on calendar for third reading.

H. B. No. 45 was read a third time and passed by the following vote:

Ayes—Blakely, Comfort, Congdon, Davis, Flowers, Hunt, Pickman, Roberts, Waite, Willis and Mr. Speaker—11.

Nays—Haskell, Johnson, Joslyn, Moore, Murray, Rea and Saxton—7.

Absent—Carver, Garrett, Gillette, Jones, Swiggett, and Whitney—6.

Title agreed to.

H. J. R. No. 9 was read a third time, placed on its final passage and lost by the following vote:

Ayes—Blakely, Congdon, Carver, Davis, Flowers, Joslyn and Mr. Speaker—7.

Nays—Comfort, Haskell, Hunt, Johnson, Moore, Murray, Pickman, Rea, Roberts, Saxton, Waite and Willis—12.

Absent—Gillette, Garrett, Jones, Swiggett, and Whitney—5.

Haskell moved the vote by which consideration of council amendments to H. B. No. 18 was postponed until tomorrow be reconsidered.

Motion carried.

On Motion of Haskell council amendments to H. B. No. 18 were read.

On motion of Hunt the house resolved itself into the committee of the whole to consider council amendments to H. B. No. 18.

Mr. Rea in the chair.

3:40 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

C. B. No. 39 was read first and second times and referred to committee on judiciary.

H. B. No. 31 was referred to committee on enrollment.

H. J. R. No. 10 was referred to committee on enrollment and ordered enrolled.

C. J. R. No. 12 was read first and second times.

On motion of Murray the rules were suspended, resolution was considered engrossed, read a third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Haskell, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Waite, Willis and Mr. Speaker.

Nays—none.

Absent—Garrett, Gillette, Hunt, Johnson, Swiggett and Whitney—6.

On motion of Haskell rules were suspended.

C. B. No. 8 was considered, read first time, read second time, and referred to committee on elections and territorial affairs.

Following communication from the council was received:

COUNCIL CHAMBER,
Helena, Montana, March 4, 1889.

Mr. Speaker: I am directed by the council to transmit to your honorable body C. B. No 38, to provide for the recording of mining locations by a distinct mining recorder, which passed the council this day. Also, to inform you that C. B. No. 41, relating to licenses, was this day indefinitely postponed.

Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

On motion of Haskell rules were suspended, and C. B. No. 38 was considered, read first time, read second time, and referred to committee on mines and minerals.

Report of judiciary committee:

Mr. Speaker: Your committee on judiciary, to which was referred H. B. No. 49, relative to assignments by debtors, report the same back with the recommendation that it do pass.

HUNT, Chairman.

H. B. No. 49 was placed on general orders.

House resolved itself into committee of the whole to consider the general orders.

Mr. Johnson in the chair.

4:55 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

Report of judiciary committee:

Mr. Speaker: Your committee on judiciary, to which was referred C. B. No. 12, relating to drawing juries, have considered the same carefully and recommend that a substitute herewith submitted be adopted in lieu of the original bill.

HUNT, Chairman.

Report and substitute for C. B. No. 12 was placed on general orders.

Following message from the governor was received:

EXECUTIVE OFFICE,
Helena, Montana, March 2, 1889.

Gentlemen of the House of Representatives:

I have the honor to inform you that I have on this day approved and signed the bill No. 24, which originated in your body, entitled an act to amend section 1004 of chapter 58 of the compiled statutes of Montana, concerning alimony in divorce cases.

Respectfully, P. H. LESLIE.

Report of select committee:

Mr. Speaker: Your select committee, to which was referred C. B. No. 1, relative to boiler inspectors, report the same back to the house with a substitute, and recommend that the substitute be adopted.

HUNT, Chairman.

On motion of Haskell rules were suspended.

Substitute for C. B. No. 1 was considered read.

C. B. No. 1 and substitute were placed on general orders.

On motion of Hunt the consideration of H. B. No. 1 and substitute was made a special order for 2 p. m. tomorrow in the committee of the whole.

On motion of Johnson the house adjourned.

LEE MANTLE, Speaker.
BENJAMIN WEBSTER, Chief Clerk.

FIFTY-FIRST DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, March 5, 1889.

House met pursuant to adjournment.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Garrett, Jones and Whitney.

Journal of the fiftieth day read and approved.

Swiggett presented six petitions from the residents of Jefferson county, containing 366 names in all, requesting the members of the legislative assembly to memorialize the congress of the United States, soliciting such action on the part of that body as will result in preserving the mineral land of Montana free from title or claim of title in any railroad company and continue the same open for exploration and location.

Two petitions with sixty-five names attached from the residents of Madison county were presented by Comfort of a similar character. Four petitions of a similar character, containing 238 names, from the residents of Deer Lodge county were presented by Moore.

Five petitions of 130 names of a similar character were presented by Roberts and Congdon from the residents of Silver Bow county.

Petitions read and referred to committee on mines and minerals.

The chairman of the printing committee reported that the secretary of the territory, to whom was referred H. B. No. 55, for the purpose of having it printed, had returned the same with the statement that the printers refused to print the bill under the contract for territorial printing, on the ground that the funds for extra printing were exhausted.

On motion of Haskell the printing committee was instructed to have H. B. No. 55 printed and report the bill to the house.

Report of committee on incorporations:

Mr. Speaker: Your committee on incorporations, to whom was referred H. B. No. 40, report the same back without commendation.

CARVER, Chairman.

H. B. No. 40 was placed on general orders.

Report of committee on agriculture, manufacture and stock-growing:

Mr. Speaker: Your committee on agriculture, manufacture and stock-growing, to whom was referred H. B. No. 46, an act to suppress and prevent dissemination of contagious diseases among sheep, respectfully report that they have examined the same and would offer the accompanying substitute and recommend that it do pass.

JOHNSON, Chairman.

On motion of Haskell the reading of substitute for H. B. No. 46 was dispensed with, and bill and substitute were placed on general orders.

Report of the committee of the whole of March 4:

Mr. Speaker: Your committee of the whole, to whom was referred C. B. No. 17, have had the same under consideration, and recommend that it do not pass.

Also, they have had under consideration H. B. No. 33, and recommend that the bill do pass.

Also, they have had under consideration H. B. No. 37, and recommend that the bill do pass.

Also, they have had under consideration H. B. 44, together with the amendments reported by the committee on education, labor and federal relations, and recommend the amendments by the committee on education, labor and federal relations, together with the amendments herewith submitted be adopted, and as so amended the bill do pass.

JOHNSON, Chairman.

On motion of Swiggett, that portion of the report relating to H. B. No. 17, was received, and on motion of Swiggett further consideration of H. B. No. 17 was indefinitely postponed.

On motion of Murray, that portion of the report relating to H. B. No. 33 was received and adopted, and H. B. No. 33 was referred to committee on engrossment and ordered engrossed.

On motion of Murray, that portion of the report relating to H. B. No. 37, was received and adopted, and H. B. No. 37 was referred to committee on engrossment and ordered engrossed.

Report of the committee of the whole:

Mr. Speaker: The committee of the whole having had H. B. No. 18 under consideration, beg leave to report the same back with the recommendation that the house concur in all amendments, except that portion which is added to section 6, which reads as follows:

And provided further, that the registry agent, upon the request of any two freeholders of the county or district in which he may reside, may order a hearing as to the qualifications of any elector, who may be, or demand to be, registered under the provisions of this act.

At such hearing it shall be the duty of such registry agent to ascertain by competent evidence whether the voter or voters, against whom complaint may be made, are actual residents of the county in which they may apply to be registered, and at all such hearings no person so applying to be registered shall be deemed to have gained or lost a residence by reason of his temporary presence in or absence from Montana, nor to have gained a residence by reason of his having been engaged in the military service of the United States.

REA, Chairman.

On motion of Murray the report was received and adopted.

Following notices of bills were given:

By Waite—*Mr. Speaker*: I will on tomorrow introduce a bill to allow the county commissioners of Fergus county to purchase from the county commissioners of Choteau county a certain portion of Choteau county.

By Rea—*Mr. Speaker*: I hereby give notice that on tomorrow I will introduce a bill to define the meaning of the term "business hours," in section 911, fifth division, general laws.

By Rea—*Mr. Speaker*: I hereby give notice that I will on tomorrow introduce a bill to amend section 785 of the fifth division of the compiled statutes of Montana, relating to county commissioners.

By Hunt—*Mr. Speaker*: I hereby give notice that on tomorrow, or some subsequent day, I will introduce a bill for the apportionment of members of the legislative assembly of Montana.

By Joslyn—*Mr. Speaker*: I hereby give notice that I will on tomorrow, or some subsequent day, introduce a bill entitled "Estray Bill."

Following joint resolution was introduced by Murray:

H. J. R. No. 12, for the relief of James Sullivan.

H. J. R. No. 12 was read first and second times, and on motion of Murray was referred to committee on elections and territorial affairs.

Report of committee on engrossment:

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 36, relating to boundary lines of Madison and Gallatin counties, respectfully report said bill back correctly engrossed.

PICKMAN, Chairman.

H. B. No. 36 was placed on the calendar for third reading, read third time and lost by the following vote:

Ayes—Blakely, Davis, Flowers, Gillette, Joslyn, Murray, Roberts and Waite—8.

Nays—Carver, Comfort, Haskell, Hunt, Johnson, Jones, Moore, Pickman, Rea, Saxton, Swiggett, Willis and Mr. Seaker—13.

Absent—Congdon, Garrett and Whitney—3.

House resolved itself into the committee of the whole to consider the general orders.

Mr. Davis in the chair.

12:05 P. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole reported progress and asked leave to sit again.

Roberts moved that a recess be taken until 2 p. m.

Motion lost.

Moore was granted leave to introduce H. B. No. 58 without previous notice, an act to prevent the sale of certain noxious drugs.

Following report of committee on enrollment was received:

Mr. Speaker: Your joint committee on enrollment beg leave to report that H. J. R. No. 10, for the payment of telegrams, and H. B. No. 31, an act to repeal section 206, chapter 11, compiled statutes of Montana, are correctly enrolled, and herewith submitted for your signature.

GILLETTE, Chairman.

On motion of Davis a recess was taken until 2 p. m.

2:00 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Garrett Whitney and Flowers.

By consent of the house rules were suspended, and H. B. No. 58 was read first and second times, referred to committee on printing and ordered printed.

House resolved itself into the committee of the whole to consider C. B. No. 1, which had been made a special order for 2 p. m.

Mr. Waite in the chair.

3:30 P. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

The speaker announced that he was about to sign H. J. R. No. 10 and H. B. No. 31.

Following communication was received from the council:

COUNCIL CHAMBER,
Helena, Montana, March 5, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that H. C. R. No. 11, limiting the time of introducing bills, has been made the special order for March 14th inst. at midnight.

That Conrad has introduced C. B. No. 56, to detach certain territory from Park county and to attach the same to Yellowstone county.

Referred to committee on towns and counties.

That Thompson of Silver Bow has introduced C. J. R. No. 14, to transfer certain banners to the Historical Society of Montana, which was passed under the suspension of the rules, and is herewith transmitted.

Also, that Messrs. Bickford, Thompson of Deer Lodge, and Hatch have been appointed a conference committee to confer with a like committee from your honorable body in relation to council amendment to section 6 of H. B. No. 18.

I am also directed to transmit to you the following bills which passed the council this day:

C. B. No. 33, relating to the duties of county surveyors; C. B. No. 42, providing fees and compensation for the several county officers in the counties of Montana.

Respectfully submitted,
JOHN R. EARDLEY, Chief Clerk.

The speaker appointed as a conference committee on the part of the house to confer in relation to council amendments to section 6 of H. B. No. 18, Messrs. Moore, Hunt and Blakely.

C. J. R. No. 14 was read first and second times.

On motion of Murray rules were suspended; resolution was considered read a third time and placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Waite, Willis, Mr. Speaker—18.

Nays—none.

Absent—Davis, Flowers, Garrett, Saxton, Swiggett, Whitney—6.

Title agreed to.

Report of the Committee of the whole:

Mr. Speaker: The committee who has had under consideration substitute for C. B. No. 1 report the same back with the recommendation that as amended it do pass.

WAITE, Chairman.

On motion of Roberts report was received, and amendments and substitute to C. B. No. 1 was adopted.

C. B. No. 1, with substitute and amendments was referred to committee on engrossment and substitute and amendments was ordered engrossed.

Hunt moved that the rules be suspended and C. B. No. 33 be read first time by title only.

Motion lost.

C. B. No. 33 was read first and second times, and referred to committee on towns, counties and highways.

H. B. No. 42 was read first and second times and referred to to committee on ways and means.

On motion of Rea house adjourned.

LEE MANTLE, Speaker.

BENJAMIN WEBSTER, Chief Clerk.

FIFTY-SECOND DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, March 2, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Garrett.

Journal of the fifty-first day read and approved.

A petition of seventy-six names was presented by Davis requesting the passage of a law providing that a reasonable attorney's fee shall be taxed with the costs in proceedings under the mechanics' lien law.

Petition read and referred to committee on judiciary.

Following reports were received:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed house bills Nos. 52 and 56.

E. E. CONGDON, Chairman.

H. B. No. 56 was referred to committee on incorporations.

H. B. No. 52 was referred to committee on elections and territorial affairs.

Mr. Speaker: Your committee on elections and territorial affairs to whom was referred H. J. R. No. 12, have considered the same and beg leave to report it back without recommendation.

REA, Chairman.

H. J. R. No. 12, with report of the committee, was placed on general orders.

Second report of committee on elections and territorial affairs:

Mr. Speaker: Your committee on elections and territorial affairs, to which was referred C. B. No. 8, an act to provide for printing and distributing ballots at public expense, and to regulate voting at territorial and other elections, report that they have had the same under consideration and recommend that as amended it do pass.

REA, Chairman pro tem.

Report of engrossment committee:

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 33, to prevent swine from running at large; H. B. No. 37, relating to stenographers, and substitute for C. B. No. 1, relating to board of inspection for steam boilers, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

H. Bills Nos. 33, 37, and C. B. No. 1, with substitute, were placed on the calendar for third reading.

Report of committee on mines and minerals:

Mr. Speaker: Your committee on mines and minerals desire to report that they have examined C. B. 38, and recommend its passage with the following amendment: Add to the bill, "This act shall take effect from and after its passage."

ROBERTS, Chairman.

C. B. No. 38, with amendment and report of committee, was placed on general orders.

Report of conference committee:

Mr. Speaker: Your committee on conference, appointed to confer with a like committee on house amendments to C. B. No.

21, beg leave to report that a conference has resulted in an agreement that house amendments should be numbered sections three and four, instead sections two and three.

MURRAY, Chairman.

On motion of Murray, report was received and adopted.

Report of conference committee:

Mr. Speaker: Your committee of conference concerning H. B. No. 18, relating to the registration of voters, report that they have conferred with conference committee of the council and that the council committee will recommend that that body recede from the amendment to section No. 6, in which this house declined to concur.

MOORE, Chairman.

Report of committee on ways and means.

Mr. Speaker: Your committee on ways and means to whom was referred H. B. No. 41, relating to pawnbrokers and junk dealers, beg leave to report the same back with the enclosed amendments, and recommend that the same do pass as amended.

JOSLYN, Chairman.

H. B. No. 41 with amendments and report of committee was placed on general orders.

Report of judiciary committee:

Mr. Speaker: Your committee on judiciary, to which was referred C. B. No. 39, a bill for an act to amend section 272, second division, compiled statutes of Montana, relating to investments of funds by executors, have had the same under consideration and report it back with the recommendation that as amended it do pass.

HUNT, Chairman.

C. B. No. 39, with amendments and report of committee, was placed on general orders.

Following bills were introduced:

By Joslyn—H. B. No. 59, an act providing for the taking up of estrays and the disposition to be made of the same.

By Rea—H. B. No. 60, an act to amend section 911, fifth division, general laws, relating to business hours.

By Rea—H. B. No. 61, an act to amend section 785, fifth division, compiled statutes, relating to county commissioners.

On motion of Davis the rules were suspended and H. B. No. 59 was considered, read first and second times, referred to committee on printing and ordered printed.

H. B.'s Nos. 60 and 61 were read first and second times, referred to committee on printing and ordered printed.

H. B. No. 33 read a third time, placed on its final passage and passed by the following vote:

Ayes—Comfort, Congdon, Davis, Haskell, Jonson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Swiggett, Willis, Mr. Speaker—15.

Nays—Blakely, Carver, Flowers, Gillette, Saxton, Waite, Whitney—7.

Absent—Garrett, Hunt—2.

Title agreed to.

H. B. No. 37 read a third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Gillette, Haskell, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—22.

Nays—0.

Absent—Garrett, Hunt—2.

Title agreed to.

Substitute for C. B. No. 1 was read a third time.

On motion of Haskell, the clerk was instructed to insert the word "steam" before the word "machinery," in line two, section 8.

The substitute was placed on its final passage and passed by the following vote:

Ayes—Comfort, Congdon, Davis, Hunt, Johnson, Joslyn, Moore, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Mr. Speaker—15.

Nays—Blakely, Carver, Flowers, Haskell, Jones, Murray, Willis—7.

Absent—Garrett, Gillette—2.

Title agreed to.

Following communication from the council received:

COUNCIL CHAMBER,
Helena, Montana, March 6, 1889.

Mr. Speaker: I am directed by the council to return to your honorable body H. B. No. 1, relating to levy of taxes and assess-

ment of property, etc., which failed to pass the council by the following vote:

Ayes—1. Nays—9. Absent—2.

Also, to inform you that C. B. No. 23, regulating corporations, was defeated in the council by striking out all after the enacting clause.

Also, that the president has signed H. J. R. No. 10 and H. B. No. 31.

Also, that the council has receded from its amendment to section 6 of H. B. No. 18, pursuant to recommendation of conference committee.

Also, that Thompson, of Silver Bow, has introduced C. B. No. 57, relating to licenses. Ordered printed.

JOHN R. EARDLEY, Chief Clerk.

H. B. No. 18 was referred to committee on engrossment and ordered engrossed.

House resolved itself into the committee of the whole to consider the general orders.

Mr. Davis in the chair.

12:10 P. M.

House resumed.

Mr. Speaker in the chair.

On motion of Rea, a recess was taken until 2 p. m.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—absent on leave, Garrett.

Following report was received:

Mr. Speaker: Your committee of the whole, to whom was referred H. B. 22, together with the amendments reported by the committee on ways and means, have duly considered the same and beg leave to report back with further amendments and recommend that the amendments of the committee of ways and means, together with the amendments herewith submitted, be adopted, and as so amended the bill do pass.

DAVIS, Chairman.

On motion of Davis, the report was received.

On motion of Murray, H. B. No. 22, with all amendments, was referred to a select committee of three, consisting of Hunt, Haskell and Saxton.

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 44, concerning lotteries, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

H. B. No. 44 was placed on the calendar for third reading.

Report of judiciary committee:

Mr. Speaker: Your committee on judiciary, to which was referred H. B. No. 57, relating to public administrators, report they have had the same under consideration and recommend that as amended the bill do pass.

HUNT, Chairman.

H. B. No. 57, with amendments, was placed on general orders.

Following communication from the council was received:

COUNCIL CHAMBER,
Helena, M. T., March 6, 1889.

Mr. Speaker: I am directed by the council to transmit to your honorable body C. J. M. No. 15, relating to mineral lands in odd sections in Montana, which passed the council this day under a suspension of the rules. Respectfully submitted.

JOHN R. EARDLEY, Chief Clerk.

C. J. M. No. 15 was read first and second times and, on motion of Roberts, the rules were suspended and the memorial was read third time by title only.

Hunt moved that the final vote be postponed until to-morrow morning at 10:30. Motion withdrawn.

On motion of Davis, the memorial was referred to a select committee of three, with instructions to report on the morrow at 11:30 a. m. Pursuant to which the speaker appointed as such select committee Messrs. Davis, Hunt and Haskell.

House resolved itself into the committee of the whole.

Mr. Congdon in the chair.

4:40 P. M.

House resumed.

Mr. Speaker in the chair

The chairman of the committee of the whole was granted time to report.

Moore moved that a recess be taken until 7:30 p. m.

Blakely moved to amend by adjourning.

Motion lost.

Motion of Moore lost.

Murray moved to take a recess until 8 p. m.

Motion lost.

H. B. No. 44 was read a third time and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Davis, Congdon, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—22.

Nays—0.

Absent—Flowers, Garrett—2.

Title agreed to.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole, to whom was referred H. B. No. 29, together with the amendments reported by the committee on incorporations, beg leave to report back the same with further amendment and the recommendation that the amendment be adopted, and as so amended the bill do pass.

Also, that they have considered H. B. No. 38 and recommend the amendments herewith submitted be adopted, and as so amended the bill do pass.

CONGDON, Chairman.

On motion of Davis, that portion of the report relating to H. B. No. 29 was received and adopted.

On motion of Blakely, that portion of the report relating to H. B. No. 38 was received and adopted.

On motion of Congdon, that portion of the report relating to H. B. 34 was received and adopted.

House bills Nos. 29, 38 and 34, with amendments, were referred to committee on engrossment and ordered engrossed.

Blakely moved to adjourn.

Motion lost.

On motion of Hunt, the house took a recess until 7:30 p. m.

7:30 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent—Davis, Hunt, Joslyn, Saxton; on leave, Garrett.

Following report received:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed H. B. No. 55, for an act to encourage the establishment of a paper mill and the manufacture of paper.

CONGDON, Chairman.

H. B. No. 55 was referred to committee on agriculture, manufacture and stockgrowing.

Report of committee on towns, counties and highways:

Mr. Speaker: Your committee on towns, counties and highways, to which was referred C. B. No. 33, respectfully report that they have considered said bill and return the same with proposed amendments and recommend that said bill with proposed amendments do pass.

JONES, Chairman pro tem.

C. B. No. 33, with amendments and report of committee, was placed on general orders.

Report of engrossment committee:

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 38, entitled an act to add a section to chapter 102, fifth division, compiled statutes, relating to toll-roads, toll-bridges and toll-ferry boats, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

H. B. No. 38 was placed on the calendar for third reading.

House returned to the order of business; third reading of house bills.

H. B. No. 38 was read a third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Flowers, Haskell, Johnson, Jones, Moore, Murray, Pickman, Rea, Roberts, Swiggert, Waite, Whitney Willis, Mr. Speaker—18.

Nays—Gillette—1.

Absent—Davis, Garrett, Hunt, Joslyn, Saxton—5.

Title agreed to.

House resolved itself into the committee of the whole to consider general orders.

Mr. Rea in the chair.

9:30 P. M.

House resumed.

Mr. Speaker in the chair.

On motion of Swiggett all that portion of the proceeding relating to the call of the house was omitted from the journal.

Report of committee on printing:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed H. B. No. 56, an act relating to the purchase and construction of bridges in the several counties of Montana.

Also, H. B. No. 53, an act to provide for filling vacancies in the office of county commissioners.

CONGDON, Chairman.

H. B. No. 51 was referred to committee on towns, counties and highways.

H. B. No. 53 was referred to committee on elections and territorial affairs.

On motion of Congdon house adjourned.

LEE MANTLE, Speaker.

BENJAMIN WEBSTER, Chief Clerk.

FIFTY-THIRD DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, March 7, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Garrett.

Prayer by the chaplain.

Journal of the fifty-second day read and approved.

Following message from the governor received:

EXECUTIVE OFFICE,
Helena, Montana, March 6, 1889.

Gentlemen of the House of Representatives:

I have the honor to inform you that I have on this day approved and signed the joint resolution, which originated in your body No. 10, entitled H. J. resolution for the payment of telegrams and the bill No. 31, which originated in your body, entitled an act to repeal section 206, chapter 11, compiled statutes of Montana.

Respectfully, P. H. LESLIE.

Mr. Speaker: Your committee of the whole had under consideration the following bills, and report as follows: That consideration of H. B. 49 was passed and the same was replaced on general orders for consideration to-morrow in committee of the whole.

C. B. No. 12, together with the substitute, and recommend that the substitute be adopted and the same do pass.

Also, H. B. No. 40, and recommend that the amendments to substitute herewith submitted be adopted, and as so amended the substitute do pass.

REA, Chairman.

On motion of Congdon, that portion of the report relating to H. B. No. 49 was received.

On motion of Jones, that portion of the report relating to C. B. No. 12 was received and adopted, and C. B. No. 12, with substitute, was referred to committee on engrossment and substitute ordered engrossed.

On motion of Rea, that portion of the report relating to H. B. No. 40 was received and adopted, and H. B. No. 40 was placed at the foot of the calendar.

On motion of Murray, that portion of the report relating to H. B. No. 46 was received and adopted, and H. B. No. 46, with amendments, were referred to committee on engrossment and ordered engrossed.

Following bill was introduced by Waite: H. B. No. 62, an act providing for the extension of the northern boundary of Fergus county.

The following communication from the council was received:

COUNCIL CHAMBER,
Helena, Montana, March 7, 1889.

Mr. Speaker: I am instructed by the council to return to your honorable body H. B. No. 21, an act to create a territorial board of examiners and prescribing its duties, the same having been indefinitely postponed by the council.

Also to return to you C. B. No. 17, relating to the time when acts of the legislature shall take affect, and C. B. No. 22, relating to the protection of cemeteries and the remains of the dead, both of which are returned to you for your further action thereon.

Respectfully,

JOHN R. EARDLEY, Chief Clerk.

C. B. No. 17, with amendments, as recommended by the conference committee and adopted by the house, was referred to engrossment committee and amendments ordered engrossed.

H. B. No. 62 was read first and second times and referred to committee on towns, counties and highways.

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 29, concerning safe deposit associations, etc., respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

On motion of Hunt, rules were suspended, H. B. No. 29 was read a third time by title only, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Rea, Murray, Roberts, Saxton, Swiggett, Waite, Willis, Mr. Speaker—20.

Nays—Gillette, Pickman, Whitney—3.

Absent—Garrett—1.

Title agreed to.

House resolved itself into the committee of the whole to consider general orders.

Mr. Swiggett in the chair.

12 O'CLOCK M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole reported progress and asked leave to sit again.

Report of the select committee:

Mr. Speaker: Your select committee, to which was referred C. J. M. No. 15, relative to mineral lands in Montana, have considered the same and report it back without recommendation, for the reason that your committee is unable to see the propriety or sense of memorializing a body not in session, and one that in all probability will not be in session until after the state legislature will convene in Montana. Your committee approve of the spirit of the memorial, but fail to realize the expediency or utility of its passage by this legislature. But thinking the legislative body, or members of it, might desire to place themselves on record upon a measure of this nature, we respectfully submit the following substitute.

DAVIS, Chairman.

Hunt moved that the report be received and the substitute adopted.

The speaker requested Mr. Saxton to take the chair.

On motion of Rea, the house took a recess until 2:00 p. m.

2:00 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Garrett.

The speaker requested Mr. Saxton to take the chair.

Murray called for the previous question.

The motion of Hunt, that the report of the select committee be received and substitute adopted, was carried.

On motion of Mantle, C. J. M. No. 15 and house substitute therefor were referred to committee on mines and minerals.

The speaker resumed the chair.

Following report of committee on engrossment was received:

Mr. Speaker: Your committee on engrossment, to whom was referred amendments of conference committee to C. B. No. 17, relating to time when acts of the legislature shall take effect, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

The clerk was instructed to transmit to the council C. B. No. 17 and the amendments adopted.

Report of enrollment committee:

Mr. Speaker: Your committee on enrollment begs leave to report H. B. No. 18, a bill for an act for the registration of the names of electors, etc., C. B. No. 21, amending section 1993 and 1995, of the fifth division of the compiled laws of Montana, relating to the supreme court reports. C. J. R. No. 12, to defray the expenses of the joint committee of the legislature appointed to visit the penitentiary and insane asylum, and C. J. R. No. 14, to transfer the custody of the banners presented by the delegation of the legislature of Dakota to the Historical Society of Montana, correctly enrolled and herewith submitted for your signature.

GILLETTE, Chairman.

Following message received from the council:

COUNCIL CHAMBER,
Helena, Mont., March 7, 1889.

Mr. Speaker: I am directed by the council to return to your honorable body H. B. No. 27, relating to county treasurers, which failed to pass the council. Ayes, 0; nays, 11.

Also, H. B. No. 15, relating to national guard of Montana, which passed the council with accompanying amendments. Ayes, 12; nays, 0.

Also, H. B. No. 39, concerning the Montana law library, which, with accompanying amendments, passed the council.

Ayes—12 Nays—none.

Also, H. B. No. 35, relating to printing and posting city ordinances, which, with accompanying amendments, passed the council. Ayes, 9; nays, 3.

Also, H. B. No. 20, relating to bottles, boxes, and siphons, which, with accompanying amendments, passed the council. Ayes, 7; nays, 4.

Also, H. B. No. 47, relating to the limitation of actions, which, with accompanying amendments, passed the council. Ayes, 7; nays, 4.

I am also directed to transmit to you C. J. R. No. 13, to provide compensation for Frank R. Shaffer and John V. Jerome, accountants, and C. B. No. 43, amending probate practice act, both of which have passed the council.

Respectfully submitted. JOHN R. EARDLEY, Chief Clerk.

COUNCIL CHAMBER,
Helena, Montana, March 7, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that Bickford has introduced C. B. No. 58, relating to compensation of jurors. Passed to general orders.

I am also instructed to transmit to you C. B. 34, to provide books for road dockets and defining the county recorder's duties in relation thereto, the same having passed the council.

Also to return to you H. B. No. 50, to provide for the appointment of a private secretary to the governor, the same having passed the council.

Respectfully submitted.
JNO. R. EARDLEY, Chief Clerk.

On motion of Murray, the clerk was instructed to return to the council H. B. No. 50, with the request that such information be furnished as will enable the house to act intelligently.

C. B. No. 34 was read first and second times and referred to committee on towns, counties and highways.

On motion of Murray, H. B. No. 15, with council amendments, were referred to committee on military affairs.

On motion of Murray, the house concurred in council amendments to H. B. No. 39.

On motion of Moore, the house concurred in council amendments to H. B. No. 35.

On motion of Hunt, the house concurred in council amendments to H. B. No. 20.

On motion of Carver, the house concurred in council amendments to H. B. No. 47.

House bills Nos. 39, 35, 20, 47, with council amendments thereto, were referred to committee on enrollment and ordered enrolled.

C. J. R. No. 13 was read first and second times and referred to committee on ways and means.

On motion of Haskell, the rules were suspended and C. B. No. 43 was considered read, read second time and referred to committee on judiciary.

The speaker announced that he was about to sign C. B. No. 21, C. J. R. No. 14, C. J. R. No. 12 and H. B. No. 18.

House resolved into the committee of the whole to consider general orders.

Mr. Swiggett in the chair.

4:55 P. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

Following reports were received:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed substitute to H. B. No. 32, introduced by the judiciary committee. CONGDON, Chairman.

H. B. No. 32, with substitute, was placed on general orders.

Report of committee on towns, counties and highways:

Mr. Speaker: Your committee on towns, counties and highways, to whom was referred H. B. No. 62, report the same with recommendation that it do pass.

JONES, Chairman pro tem.

H. B. No. 62, with report of the committee, was placed on general orders.

Moore moved to adjourn until 9 o'clock to-morrow.

Haskell moved to adjourn.

Motion carried and house adjourned.

LEE MANTLE, *Speaker*.

BENJAMIN WEBSTER, Chief Clerk.

FIFTY-FOURTH DAY.

HOUSE OF REPRESENTATIVES,

Helena, March 8th, 1889.

House resumed pursuant to adjournment, at 10 a. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Garrett.

Prayer by the chaplain.

Journal of the fifty-third day read and approved.

Two petitions of sixty-five names from the residents of Butte were presented by Congdon requesting the legislature to memorialize the congress of the United States, soliciting from that body such action as will preserve the mineral lands of Montana free from title or claim of title in any railroad company and continue the same open to exploration and location under the mineral laws of the United States.

Following report of the committee of the whole was received:

Mr. Speaker: Your committee of the whole, to whom was referred H. B. No. 49, have duly considered the same and report it back with the recommendation that the amendment herewith submitted be adopted, and as so amended the bill do pass.

Also, they have had under consideration C. B. No. 38, and report the same back with the recommendation that the bill be referred to the committee on mines and minerals.

Also, they have duly considered H. J. R. No. 12, and recommend that the resolution be referred to a select committee of three.

Also, they have had under consideration H. B. No. 41, together with the amendments of the ways and means committee and report the same back with the further amendment and recommend that the amendments by the ways and means committee, together with the amendment herewith submitted, be adopted, and as so amended the bill do pass.

SWIGGETT, Chairman.

On motion of Murray, that portion of the report relating to H. B. No. 49 was received and the amendments were adopted.

H. B. No. 49 and amendments were referred to committee on engrossment and ordered engrossed.

On motion of Murray, that portion of report relating to C. B. No. 38 was received and adopted, and C. B. No. 38 was referred to committee on mines and minerals.

On motion of Carver, that portion of the report relating to H. B. No. 41 was received and adopted, and H. B. No. 41 and amendments were referred to committee on engrossment and ordered engrossed.

On motion of Hunt, that portion of the report relating to H. J. R. No. 12 was received and adopted, pursuant to which the chair appointed as select committee, Messrs. Blakely, Saxton and Swiggett.

Report of committee on military affairs:

Mr. Speaker: Your committee on military affairs beg leave to report that they have considered council amendments to H. B. No. 15, and recommend said amendments to be concurred in by this house.

SWIGGETT, Chairman.

On motion of Murray, report was received and adopted, and H. B. No. 15, with council amendments, was referred to committee on enrollment and ordered enrolled.

Report of enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report that C. B. No. 21, concerning supreme court reports; C. J. R. No. 12, concerning the expenses of committee to visit penitentiary and insane asylum, and C. J. R. No. 14, concerning the Dakota banners, were handed to the governor at 9:50 a. m., Friday, March 8th, 1889, and that H. B. No. 18, an act to provide for the registration of the names of electors and to prevent fraud, was handed to the governor at 8 p. m., March 7th, 1889.

GILLETTE, Chairman.

Second report of committee on enrollment:

Mr. Speaker: Your joint committee on enrollment beg leave to report H. B. No. 20, an act to protect owners of bottles, boxes and siphons used in the sale of soda, mineral or aerated waters, cider, ginger ale or other non-intoxicating beverages, has been correctly enrolled and is herewith submitted for your signature.

GILLETTE, Chairman.

The speaker announced that he was about to sign H. B. No.

By consent of the house, Hunt introduced, without previous notice, H. B. No. 63, an act to repeal section 1595 of the fifth division of the compiled statutes of Montana, relating to territorial officers.

Read first and second times.

On motion of Hunt, the rules were suspended and H. B. No. 63 was ordered to be printed.

H. B. No. 63 was referred to committee on elections and territorial affairs.

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 34, concerning location of mining claims, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

H. B. No. 34 was placed on the calendar for third reading, read third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers' Gillette, Haskell, Hunt, Jones, Joslyn, Moore, Murray, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—21.

Nays—Pickman—I.

Absent—Garrett, Johnson.

Title agreed to.

House resolved itself into the committee of the whole to consider the general orders.

Mr. Comfort in the chair.

12 M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole reported progress and asked leave to sit again.

On motion of Murray, a recess was taken until 2 p. m.

2:00 P. M.

House resumed.

Mr. Speaker in the chair.

There being no quorum present, a recess of ten minutes was taken.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Garrett.

Report of printing committee:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed H. B. No. 54, an act to amend sections 239, 242, 243, 244, 256, 257 and 259. fifth division of the compiled statutes of Montana, introduced by Davis.

CONGDON, Chairman.

H. B. No. 54 referred to committee on judiciary.

Following message from the council was received:

COUNCIL CHAMBER,
Helena, Montana, March 8, 1889.

Mr. Speaker: I am directed by the council to return to your honorable body H. B. No. 50, to provide for the appointment of a private secretary to the governor, which has passed the council with the amendment annexed to the bill and duly certified to.

Also to transmit to you C. B. No. 18, to provide for the safety of passengers traveling by rail and requiring railroad companies to fence their tracks, which passed the council this day.

I am also directed to inform you that Kennedy has introduced C. B. No. 59, concerning overdrafts.

Referred to judiciary committee.

Respectfully submitted.

JOHN R. EARDLEY, Chief Clerk.

On motion of Murray, the house concurred in council amendments to H. B. 50.

H. B. No. 50, with amendment of council was referred to committee on enrollment and ordered enrolled.

On motion of Murray the rules were suspended.

C. B. No. 18 was read first time by title only; read second time, and on motion of Murray was referred to committee on elections and territorial affairs.

Report of committee on ways and means:

Mr. Speaker: Your committee on ways and means, to whom was referred H. B. No. 7, on January 25, beg leave to report that the same has been held by them awaiting the action of the council on a similar bill, but more general in its bearings, but as

the council has withheld their bill, your committee would report this bill back with the recommendations that the same pass.

JOSLYN, Chairman.

H. B. No. 7, with report of committee, was placed on general orders.

Mr. Speaker: Your committee on ways and means, to whom was referred C. J. R. No. 13, beg leave to report the same to this honorable body with the recommendation that the same do pass.

JOSLYN, Chairman.

C. J. R. No. 13, with report of the committee, was placed on general orders.

Report of committee on enrollment:

Mr. Speaker: Your joint committee on enrollment beg leave to report H. B. No. 35, an act to amend section 334 of the compiled statutes of Montana, fifth division, relating to printing and posting city ordinances. H. B. No. 39, an act concerning the Montana law library, and H. B. No. 47, an act to amend sections 41 and 44, chapter 3, first division of compiled statutes of Montana, relating to the limitations of actions, correctly enrolled, and are herewith submitted for your signature.

GILLETTE, Chairman.

The speaker announced that he was about to sign house bills Nos. 39, 35 and 47.

Report of committee on elections and territorial affairs:

Mr. Speaker: Your committee on elections and territorial affairs, to whom was referred H. B. No. 63, would beg leave to say that they have had the same under consideration and recommend it do pass.

F. S. WHITNEY, Chairman.

C. B. No. 63, with report, was placed on general orders.

House resolved itself into the committee of the whole to consider general orders.

Mr. Comfort in the chair.

4:50 P. M.

House resumed.

Mr. Speaker in the chair

The chairman of the committee of the whole was granted time to report.

Following message from the governor was received:

EXECUTIVE OFFICE,
Helena, Montana, March 8, 1889.

Gentlemen of the House of Representatives:

I have the honor to inform you that I have approved and signed the bill No. 18, which originated in your body and is entitled an act to provide for the registration of electors and to provide for the registration of electors and to prevent fraudulent elections.

Respectfully, P. H. LESLIE.

Report of engrossment committee:

Mr. Speaker: Your committee on engrossment, to whom was referred C. B. No. 12, relating to drawing juries, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

C. B. No. 12 was placed on calendar for third reading.

Second report of engrossment committee.

Mr. Speaker: Your committee on engrossment respectfully report that the amended substitute for H. B. No. 46 is correctly engrossed, and herewith returned.

PICKMAN, Chairman.

H. B. No. 46 was placed on calendar for third reading.

On motion of Haskell, rules were suspended, H. B. No. 46 was read third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Congdon, Comfort, Davis, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Swiggett, Waite, Willis, Mr. Speaker—19.

Nays—none.

Absent—Flowers, Garrett, Gillette, Saxton, Whitney—5.

Title agreed to.

On motion of Joslyn, substitute for C. B. No. 12 was read a third time by title only and placed on its final passage.

Substitute for C. B. No. 12 was passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Swiggett, Waite, Willis, Mr. Speaker—19.

Nays—none.

Absent—Flowers, Garrett, Gillette, Saxton, Whitney—5.

On motion of Hunt, the title was amended by inserting in lieu of title the following: "An act relating to the drawing of juries and to repeal sections 1297, 1298, 1299, 1300, 1301, 1302 and 1303, of chapter 78, fifth division, general laws, compiled statutes of Montana.

Title as amended agreed to.

Following report of the committee of the whole was received:

Mr. Speaker: Your committee of the whole, to whom was referred C. B. No. 8, together with amendments reported by the committee on elections and territorial affairs, have duly considered the same and recommend that the amendments herewith submitted be adopted, and as so amended by the committee on elections and territorial affairs and the committee of the whole the bill do pass.

Also, they have had under consideration C. B. No. 39, with the amendment by the committee on judiciary, and recommend that as so amended the bill do pass.

Also, they have duly considered H. B. No. 57 and recommend that the bill do pass as amended.

Also, they have duly considered C. B. No. 33, together with the amendments by the committee on towns, counties and highways and recommend that the bill be indefinitely postponed.

Also, they have had under consideration H. B. No. 40, and recommend that the bill be referred to committee on elections and territorial affairs.

Also, they have considered H. B. No. 63, and recommend that the bill do pass.

Also, they have had under consideration H. B. No. 7, and recommend that it be referred to the committee on judiciary.

Also, they have considered C. J. R. No. 13, and recommend that it do pass.

Also, they have considered H. B. No. 62, and recommend that it do pass.

COMFORT, Chairman.

On motion of Hunt that portion of the report relating to C. B. No. 8 was received and adopted, and C. B. No. 8, together with house amendments thereto were referred to committee on engrossment, and the amendments were ordered engrossed.

On motion of Moore that portion of the report relating to C. B. No. 39 was received and amendments adopted.

C. B. No. 39, together with house amendments thereto, was referred to committee on engrossment and amendments ordered engrossed.

On motion of Davis that portion of the report relating to H. B. No. 57 was received and amendments adopted.

H. B. No. 57, with amendments was referred to committee on engrossment and ordered engrossed.

On motion of Congdon that portion of the report relating to C. B. No. 33, was received.

On motion of Blakely further consideration of C. B. No. 33 was indefinitely postponed.

On motion of Hunt that portion of the report relating to H. B. No. 40 was received and adopted, and H. B. No. 40 was referred to committee on elections and territorial affairs.

On motion of Blakely that portion of the report relating to H. B. No. 63 was received.

On motion of Hunt rules were suspended, and H. B. No. 63 was considered engrossed and placed on the calendar for a third reading.

On motion of Carver that portion of the report relating to H. B. No. 7 was received and adopted, and H. B. No. 7 was referred to committee on judiciary.

On motion of Hunt that portion of the report relating to C. J. R. No. 13 was received, and C. J. R. No. 13 was placed on the calendar for third reading.

On motion of Waite that portion of the report relating to H. B. No. 62 was received and adopted, and H. B. No. 62 was referred to committee on engrossment and ordered engrossed.

Report of engrossment committee:

Mr. Speaker: Your committee on engrossment, to whom was referred amendments to C. B. No. 8, relating to elections, report the same back correctly engrossed. Respectfully,

PICKMAN, Chairman.

C. B. No. 8, with house amendments, was placed on the calendar for third reading.

Davis moved to adjourn.

Motion lost.

H. B. No. 63 was read third time, placed on its final passage, and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Haskell, Hunt, Johnson, Jones, Moore, Murray, Pickman, Rea, Roberts, Swiggett, Waite, Whitney, Willis, Mr. Speaker—19.

Nays—none.

Absent—Flowers, Garrett, Gillette, Joslyn, Saxton—5.

Title agreed to.

On motion of Hunt, rules were suspended and C. B. No. 8, with house amendments, was considered, read at length and placed on its final passage.

C. B. No. 8, as amended by the house, passed by the following vote:

Ayes—Carver, Comfort, Congdon, Davis, Haskell, Hunt, Johnson, Jones, Moore, Murray, Pickman, Rea, Roberts, Swiggett, Waite, Willis, Mr. Speaker—17.

Nays—Whitney—1.

Absent—Blakely, Flowers, Garrett, Gillette, Joslyn, Saxton—6.

Title agreed to.

C. J. R. No. 13 was read third time, placed on its final passage, and passed by the following vote:

Ayes—Carver, Comfort, Congdon, Davis, Haskell, Hunt, Johnson, Jones, Moore, Murray, Pickman, Rea, Roberts, Swiggett, Waite, Whitney, Willis, Mr. Speaker—18.

Nays—none.

Absent—Blakely, Flowers, Garrett, Gillette, Joslyn, Saxton—6.

Title agreed to.

On motion of Murray, house adjourned.

LEE MANTLE, Speaker.

BENJAMIN WEBSTER, Chief Clerk.

FIFTY-FIFTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, March 9, 1889.

House met pursuant to adjournment at 1 o'clock a. m.

Roll called—quorum present.

Absent on leave, Garrett.

Prayer by the chaplain.

Journal of the fifty-fourth day read and approved.

Following reports were received:

Mr. Speaker: Your joint committee on enrollment beg leave to report that H. B. No. 20, an act to protect owners of bottles, boxes and siphons.

H. B. No. 35, an act to amend section 334 of the compiled statutes of Montana.

H. B. No. 39, an act concerning the Montana law library, and H. B. No. 47, an act to amend sections 41 and 44, chapter 3 of the first division of the compiled statutes of Montana were handed to the governor for his consideration at 9:50 this a. m., 9th March, 1889. GILLETTE, Chairman.

Mr. Speaker: Your joint committee on enrollment, to whom was referred H. B. No. 50, an act to provide a private secretary to the governor, beg leave to report it back correctly enrolled, and is herewith submitted for your signature.

Respectfully, GILLETTE, Chairman.

Report of committee on incorporations:

Mr. Speaker: Your committee on incorporations, to whom was referred H. B. No. 56, report the same back with the recommendation that the same do pass. CARVER, Chairman.

H. B. No. 56 was placed on general orders.

Report of committee on elections and territorial affairs:

Mr. Speaker: Your committee on elections and territorial affairs, to whom was referred H. B. No. 53, have had the same under consideration, and report the same back with the recommendation that it do pass. F. S. WHITNEY, Chairman.

H. B. No. 53 was placed on general orders.

Report of engrossment committee:

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 41, relating to pawnbrokers, report the same back correctly engrossed. Respectfully, PICKMAN, Chairman.

Mr. Speaker: Your committee on engrossment, to whom was referred amendments to C. B. No. 39, entitled probate practice act, report the same back correctly engrossed. PICKMAN, Chairman.

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 57, concerning public administrators, beg leave to report the same back correctly engrossed. Respectfully, PICKMAN, Chairman.

House bills Nos. 41 and 57, and C. B. No. 39, were placed on the calendar for a third reading.

Following message from the council was received:

COUNCIL CHAMBER,
Helena, Montana, March 8, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that Bickford has introduced C. B. No. 60, relating to the time of meeting of boards of county commissioners.

Passed to general orders.

That C. J. R. No. 17, for the relief of the Shonkin Stock Association of Choteau county, Montana, has been introduced by Collins and referred to committee on stock-raising and grazing.

I am also directed to return to you the following bills: H. B. No. 42, requiring county treasurers to advertise warrants in newspapers, etc., which passed the council without amendment; H. B. No. 45, relating to railroad corporations, which failed to pass the council. Ayes, 0; nays, 11.

Respectfully submitted, JOHN R. EARDLEY, Chief Clerk.

H. B. No. 42 was referred to committee on enrollment and ordered enrolled.

H. B. No. 41 was read third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—23.

Nays—none.

Absent—Garrett.

Title agreed to.

H. B. No. 57 was read third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Gillette, Johnson, Haskell, Hunt, Jones, Murray, Moore, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis and Mr. Speaker—22.

Absent—Garrett, Joslyn—2.

Nays—none.

Title agreed to.

C. B. No. 39, with house amendments thereto, was read third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Murray, Moore, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—23.

Nays—none.

Absent—Garrett—I.

Title agreed to.

House resolved itself into the committee of the whole to consider the general orders.

Mr. Whitney in the chair.

11:40 A. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

Report of enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report that C. B. No. 17, relating to the time when acts and joint resolutions shall take effect, and C. J. R. No. 13, to provide compensation for Frank R. Shaffer and John V. Jerome, accountants, are correctly enrolled, and are herewith submitted for your signature.

GILLETTE, Chairman.

Report of printing committee:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed H. B. No. 60, an act to define the meaning of the term "business hours" in section 911, fifth division, general laws of Montana.

Also, H. B. No. 61, an act to amend section 785 of the fifth division of the compiled statutes of Montana.

CONGDON, Chairman.

H. B. No. 61 was referred to committee on elections and territorial affairs.

H. B. No. 60 was referred to committee on judiciary.

Following message from the governor was received:

EXECUTIVE OFFICE,
Helena, M. T., March 9, 1889.

Gentlemen of the House of Representatives:

I have the honor to inform you that I have approved and signed bills which originated in your body as follows, to-wit:

Bill No. 35, entitled an act to amend section 334 of the compiled statutes of Montana, fifth division, relating to posting and printing city ordinances.

Bill No. 39, entitled an act concerning the Montana law library.

Bill No. 20, entitled an act to protect the owners of bottles, boxes and siphons, used in the sale of sodawater, mineral or ærated non-intoxicating beverages, and bill No. 47, entitled an act to amend sections 41 and 44, chapter 3 of the first division of the compiled statutes of Montana, relating to limitations of actions.

Respectfully, P. H. LESLIE.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole, to whom was referred H. B. No. 32, together with the substitute reported by the committee on judiciary report back the same with the recommendation that the bill and substitute be referred to a select committee of three, with instructions to report at once.

Also, they have had under consideration H. B. No. 56, and recommend that the bill be indefinitely postponed.

Also, they have duly considered H. B. No. 53 and recommend that the bill do pass.

F. S. WHITNEY, Chairman.

On motion of Carver that portion of the report relating to H. B. No. 32 was received and adopted.

Pursuant to which the chair appointed as select committee Messrs. Hunt, Congdon and Murray.

On motion of Congdon that portion of the report relating to H. B. No. 56 was received and adopted, and further consideration of H. B. No. 56 was indefinitely postponed.

On motion of Blakely that portion of the report relating to H. B. No. 53 was received, and H. B. No. 53 was referred to committee on engrossment and ordered engrossed.

Following communication from the council was received:

COUNCIL CHAMBER,
Helena, Montana, March 9, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the council has concurred in all house amendments to C. B. No. 8 (providing for printing ballots and regulating voting at elections, etc.), except the amendments to sections 18 and 20, which last named amendments were not concurred in. A committee of conference on the bill was asked for by the council, and Messrs. Kennedy, Olds and Hatch were appointed on the part of the council as members of such committee, and they ask that a similar committee be appointed on the part of your honorable body. Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

Pursuant to request of the council, the speaker appointed as conference committee to consider a portion of house amendments to C. B. No. 8, Messrs. Moore, Saxton and Willis.

Report of engrossment committee:

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 49, beg leave to report the same back correctly engrossed.

PICKMAN, Chairman.

H. B. No. 49 was placed on the calendar for third reading.

Report of select committee:

Mr. Speaker: Your special committee, to whom was referred H. J. R. No. 12, have had the same under consideration and report the same back to the house and recommend that the resolution do pass.

BLAKELY, Chairman.

Moore moved to amend the report to read as follows: "That the resolution be indefinitely postponed."

Blakely called for the ayes and noes.

Motion carried by the following vote:

Ayes—Comfort, Congdon, Davis, Hunt, Jones, Joslyn, Moore, Murray, Roberts, Waite, Whitney, Willis, Mr. Speaker—13.

Nays—Blakely, Carver, Flowers, Gillette, Haskell, Johnson, Saxton, Swiggett—8.

Absent—Garrett, Pickman, Rea—3.

On motion of Joslyn, report as amended was received and adopted and H. J. R. No. 12 was indefinitely postponed.

Report of committee on towns, counties and highways:

Mr. Speaker: Your committee on towns, counties and highways, to whom was referred C. B. No. 34, report the same back with the recommendation that it do pass.

JONES, Chairman pro tem.

C. B. No. 34 was placed on general orders.

The speaker announced that he was about to sign H. B. No. 50, C. B. No. 17 and C. J. R. No. 13.

On motion of Joslyn, recess was taken until 2 p. m.

2 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Garrett.

On motion of Haskell, the rules were suspended, H. B. No. 49 was considered, read a third time at length and placed on its final passage.

Joslyn moved to strike out of H. B. No. 47, section 27.

Motion lost.

H. B. No. 49 passed by the following vote:

Ayes—Comfort, Davis, Haskell, Hunt, Johnson, Jones, Murray, Rea, Saxton, Waite, Whitney—11.

Nays—Congdon, Flowers, Gillette, Joslyn, Moore, Pickman, Roberts, Swiggett, Willis, Mr. Speaker—10.

Absent—Blakely, Carver, Garrett—3.

Title agreed to.

Reports of engrossment committee:

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 53, report the same back correctly engrossed.
PICKMAN, Chairman.

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 62, report the same correctly engrossed.
PICKMAN, Chairman.

House bills Nos. 53 and 62 were placed on the calendar for third reading.

Report of committee on towns, counties and highways:

Mr. Speaker: Your committee on towns, counties and highways, to whom was referred H. B. No. 51, report the same back with the recommendation that all of section 1 after the word "public," in line 5, be stricken out, and as so amended it do pass.

JONES, Chairman pro tem.

H. B. No. 57, with amendments, was placed on general orders.

H. B. No. 53 was read third time; by consent of the house, Hunt moved to amend enacting clause by inserting the words "the territory of" before the word "Montana."

Motion carried, and the chief clerk was instructed to insert the words in the presence of the house.

H. B. No. 53, as amended by the house, passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—23.

Nays—0.

Absent—Garrett—1.

Title agreed to.

On motion of Hunt, further consideration of H. B. No. 62 was postponed until Monday morning at 11 a. m.

Following communication from the council was received:

COUNCIL CHAMBER,
Helena, Mont., March 9, 1889.

Mr. Speaker: I am directed by the council to return to your honorable body the following house bills: No. 30, relating to licenses, which failed to pass the council by the following vote:

Ayes—3.

Nays—7.

No. 63, relating to territorial officers, which passed the council without amendment.

Also to transmit to you C. B. No. 57, relating to assessment life insurance companies, which passed the council this day.

Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

COUNCIL CHAMBER,
Helena, Mont., March 19, 1889.

Mr. Speaker: I am directed by the council to transmit to your honorable body C. B. No. 8, to provide for printing and distributing ballots at the public expense, etc., together with house amendments thereto, for further action thereon by your conference committee. Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

H. B. No. 63 was referred to committee on enrollment and ordered enrolled.

On motion of Haskell, rules were suspended and C. B. No. 37 was considered, read first time at length, read second time and referred to committee on incorporations.

Report of conference committee:

Mr. Speaker: Your conference committee on house amendments to C. B. No. 8 beg leave to recommend that the house recede from the amendment to section 18 of the bill, and that the amendment to section 20 be further amended by striking out the words "this act" and substituting therefor the words "section 1013, fifth division, compiled statutes of Montana." The conference committee on the part of the council have agreed to make a similar report, and the bill will be transmitted to the house for action in accordance with this report.

MOORE, Chairman.

On motion of Murray report was received and adopted.

Report of committee on enrollment:

Mr. Speaker: Your committee on enrollment, to which was referred H. B. No. 42, relating to county warrants, beg leave to report the same back correctly enrolled, and it is herewith submitted for your signature. Respectfully submitted,

GILLETTE, Chairman.

The speaker announced that he was about to sign H. B. No. 42.

Haskell moved to adjourn until Monday at 2 p. m.

Joslyn amended to adjourn until Monday, 10 a. m.

Amendment lost.

Original motion carried and house adjourned until Monday, 2 p. m.

LEE MANTLE, Speaker.
BENJAMIN WEBSTER, Chief Clerk.

FIFTY-SEVENTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, March 11, 1889.

House met pursuant to adjournment at 2 o'clock p. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Garrett, Flowers.

Prayer by the chaplain.

Journal of the fifty-fifth day read and approved.

A petition of fifty-five names was presented by Congdon from the citizens of Butte, requesting the council bill No. 54 do pass.

Referred to committee on ways and means.

On motion of Hunt the consideration of H. B. No. 62 made a special order for 11 a. m., was deferred until 11 a. m. on Tuesday.

Following reports were received:

Mr. Speaker: Your committee on printing beg leave to report as correctly printed H. B. No. 58, an act to prevent the sale of certain noxious drugs.

Also, H. B. No. 59, an act providing for the taking up of estrays and the disposition to be made of the same.

CONGDON, Chairman.

H. B. No. 58 was referred to committee on elections and territorial affairs.

H. B. No. 59 was referred to committee on agriculture, manufacture and stock-growing.

Report of committee on incorporations:

Mr. Speaker: Your committee on incorporations, to whom was referred C. B. No. 37, report the same back with the recommendation that the same do pass. CARVER, Chairman.

C. B. No. 37, with report of committee, was placed on general orders.

Report of committee on elections and territorial affairs:

Mr. Speaker: Your committee on elections and territorial affairs, to whom was referred H. B. No. 61, have had the same under consideration and report the same back without recommendation. F. S. WHITNEY, Chairman.

Mr. Speaker: Your committee on elections and territorial affairs, to whom was referred H. B. No. 52, have had the same under consideration and report it back without recommendation.
F. S. WHITNEY, Chairman.

H. B's Nos. 61 and 52 and report were placed on general orders.

Reports of committee on judiciary:

Mr. Speaker: Your committee on judiciary, to which was referred H. B. No. 60, relative to business hours, report that they have had the same under consideration, and recommend that the title endorsed on the bill be made to conform to the title of the bill itself, and that as so amended the bill do pass.

Your committee also report back C. B. No. 43, relating to partnership property, without recommendation.

They also have had under consideration H. B. No. 7, relating to licenses, and recommend that with amendments herewith submitted the bill do pass.
HUNT, Chairman.

Mr. Speaker: Your committee on judiciary, to which was referred H. B. No. 54, relating to acknowledgements of conveyances, and H. B. No. 32, relative to married women, have had the same under consideration, and in view of the fact that the subject matter of both said bills will necessarily receive the close examination of the code commission, and are subjects which must be revised in a codification of our laws, and in view of the fact that this session of the legislature is so nearly ended, your committee recommend that said bills be indefinitely postponed.
HUNT, Chairman.

House bills Nos. 54 and 32, with report of committee, were placed on general orders.

H. B. No. 7, with amendments of committee, H. B. No. 60 and C. B. No. 43, with report of committee, were placed on general orders.

Report of committee on mines and minerals:

Mr. Speaker: Your committee on mines and minerals, to whom was referred C. J. M. No. 15, together with the substitute reported back by the select committee of the house, beg leave to report the same back with the accompanying substitute of their own, which they recommend do pass.

Your committee are of the opinion that the legislative assembly should give this matter its earnest attention, as directly affecting the rights of a very considerable number of the citizens of Montana. We believe it would be most unfortunate for the

mining industry of our territory if the title of any large amount of our mineral lands should pass to the Northern Pacific Railroad Company, in that it would tend to retard exploration and development, and would render the acquirement of title by the prospector, locator or others interested, a much more complicated and difficult matter than as now exists under the mineral laws of the United States.

We believe that under the provisions of its grant there is great danger that our mineral lands in odd numbered sections will pass to the railroad company unless congress shall take action in the matter. Therefore, we deem it proper and fitting that the subject should be authoritively brought before congress in the form of a memorial from the legislative assembly. ROBERTS, Chairman.

On motion of Congdon report was received and substitute of committee on mines and minerals was adopted.

On motion of Roberts rules were suspended, substitute was considered engrossed, read third time and placed on its final passage.

Haskell moved that the substitute presented by the select committee be substituted for that presented by the committee on mines and minerals.

On motion of Blakely the previous motion was laid on the table.

Substitute for C. J. No. 15 passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Gillette, Hunt, Joslyn, Johnson, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Willis, Mr. Speaker—19.

Nays—2.

Absent—Flowers, Garrett and Jones—3.

Title agreed to.

Report of committee on ways and means.

Mr. Speaker: Your committee on ways and means, to which was referred C. B. No. 42, relating to the fees and compensation of county officers, respectfully report that the same has been carefully considered, and herewith returned with proposed amendments, and it is herewith recommended that the amendments be adopted, and that the bill do pass as amended.

JOSLYN, Chairman.

C. B. No. 42, with report and amendments of the committee of the whole, was made a special order for 3:30 p. m.

On motion of Blakely, the vote by which H. B. No. 56 was indefinitely postponed, was reconsidered.

Hunt moved that the following amendments be adopted:

Davis moved that H. B. No. 56, with amendments proposed, be referred to committee on elections and territorial affairs.

Motion lost.

Original motion of Hunt was carried, and H. B. No. 56, with amendments, was referred to committee on engrossment, and ordered engrossed.

Report of enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report that C. J. R. No. 13, providing compensation for F. R. Shaffer and J. V. Jerome, and C. B. No. 17, concerning time when laws shall take effect, were presented to the governor for his consideration at 3:55 p. m., Saturday, March 9, 1889, and also that H. B. No. 42, relating to county warrants, and H. B. No. 50, an act to provide a private secretary to the governor, was presented to the governor at 2:15 p. m., 11th of March, 1889.

GILLETTE, Chairman.

Second report of committee on enrollment:

Mr. Speaker: Your joint committee on enrollment beg leave to report H. B. No. 15, an act to provide for the organization, regulation and discipline of the National Guard of Montana, and C. B. No. 8, an act to provide for printing and distributing ballots at public expense, and to regulate voting at territorial and other elections are correctly enrolled, and are herewith submitted for your signature.

GILLETTE, Chairman.

The speaker announced that he was about to sign H. B. No. 15 and C. B. No. 8.

Report of conference committee:

Mr. Speaker: Your conference committee appointed to confer with a like committee from the council on amendments as made by the house to C. B. No. 22 beg leave to report that council committee have agreed to said amendments.

JOSLYN, Chairman.

Following notice of bill was given by Carver:

Mr. Speaker: I will on to-morrow introduce a bill prohibiting fishing from bridges.

Following communication from the council was received:

COUNCIL CHAMBER,
Helena, Mont., March 11, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the council has concurred in house amendments to C. B. No. 39, amending probate practice act.

Also, to return to you H. B. No. 16, which has passed the council, together with the amendment which was attached thereto.

Also to transmit to you C. B. No. 50, to provide for execution, levy and sale of certain animals running at large, which passed the council this day. Respectfully submitted,
JNO. R. EARDLEY, Chief Clerk.

On motion of Swiggett, H. B. No. 16, with council amendments thereto, was referred to committee on mines and minerals.

C. B. No. 50 was read first and second times and referred to committee on agriculture, manufacture and stock-growing.

On motion of Hunt, H. B. No. 7 was included in special order to consider C. B. No. 42.

3:30 P. M.

House resolved itself into the committee of the whole to consider C. B. No. 42 and H. B. No. 7.

Mr. Waite in the chair.

6:00 P. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole reported progress and asked leave to sit again.

Following reports were received.

Mr. Speaker: Your committee on engrossment, to which was referred H. B. No. 56, relating to the compensation of mayors and aldermen in incorporated cities, report the same back correctly engrossed.
PICKMAN, Chairman.

H. B. No. 56 was placed on the calendar for third reading.

Enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report H. B. No. 63, an act to repeal section 1595 of the fifth division, compiled statutes of Montana, relating to territorial officers, and C. B. No. 39, an act to amend section 272, second di-

vision, compiled statutes of Montana, correctly enrolled, and they are herewith submitted for your signature.

GILLETTE, Chairman.

Mr. Speaker: Your joint committee on enrollment beg to report that H. B. No. 15, an act to provide for the organization, regulation and discipline of the National Guard of Montana, and C. B. No. 8, an act to provide for printing and distributing ballots at public expense, and to regulate voting at territorial and other elections, were handed to the governor at 3:40 p. m. the 11th of March, 1889.

GILLETTE, Chairman.

The speaker announced that he was about to sign H. B. No. 63 and C. B. No. 39.

Following report from the committee on mines and minerals was received:

Mr. Speaker: Your committee on mines and minerals, to whom was referred H. B. No. 16 and the council amendments thereto, respectfully report that we have considered the amendments to said bill, and recommend that the house concur in all of said amendments except the amendment to section 16, and as to that amendment we recommend that the house do not concur therein and that a conference committee be appointed.

WM. H. ROBERTS, Chairman.

On motion of Hunt, H. B. No. 16 and report were re-referred to committee on mines and minerals.

Following notices of bills were given:

By Hunt—*Mr. Speaker:* I hereby give notice that on to-morrow I will introduce a bill relative to costs in trespass suits in the District courts.

By Davis—*Mr. Speaker:* I hereby give notice that I will on to-morrow or some subsequent day, introduce a bill to amend section 322, relating to homesteads, first division of compiled statutes.

The speaker and Mr. Pickman were excused until the morning session.

Murray moved that a recess be taken until 7:30 p. m.

Blakely moved to amend by adjourning.

Amendment lost, previous motion carried and a recess was taken until 7:30 p. m.

7:30 P. M.

House resumed.

Mr. Hunt in the chair:

Roll called—quorum present.

Absent on leave—Mr. Speaker, Pickman, Garrett.

Absent—Congdon, Gillette, Joslyn, Moore.

H. B. No. 56 was read third time, placed on its final passage and passed by the following vote:

Ayes—Carver, Comfort, Flowers, Hunt, Johnson, Jones, Moore, Murray, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis—15.

Nays—none.

Absent—Blakely, Congdon, Davis, Garrett, Gillette, Haskell, Joslyn, Pickman, Mr. Speaker—9.

Title agreed to.

House resolved itself into the committee of the whole to consider C. B. No. 42, and H. B. No. 7.

Mr. Waite in the chair.

8:00 P. M.

House resumed.

Mr. Hunt in the chair.

Chairman of the committee of the whole reported progress.

House resolved itself into the committee of the whole to consider C. B. No. 42 and H. B. No. 7.

Mr. Swiggett in the chair.

9:45 P. M.

House resumed.

Mr. Hunt in the chair.

Chairman of the committee of the whole reported progress and asked leave to sit again.

On motion of Murray, house adjourned.

LEE MANTLE, Speaker.

BENJAMIN WEBSTER, Chief Clerk.

FIFTY-EIGHTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Montana, March 12, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Garrett.

Prayer by the chaplain.

Journal of the fifty-seventh day read and approved.

On motion of Hunt, that portion of proceedings of previous day containing the amendments offered in the house to H. B. No. 56 was omitted from the journal.

A petition of one hundred names from the residents of Lewis and Clarke county, requesting the passage of a Sunday law, was presented by Blakely.

House resolved itself into the committee of the whole to consider council bill No. 42 and H. B. No. 7.

Mr. Waite in the chair.

11 A. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

On motion of Waite, H. B. No. 62 was referred to committee on judiciary.

Murray moved that the vote by which H. B. No. 56 was passed be reconsidered.

Hunt moved that the motion to reconsider be laid on the table.

Motion lost.

Previous motion was carried and vote by which H. B. No. 56 passed was reconsidered.

Following report of the committee of the whole was received:

Mr. Speaker: Your committee of the whole, to whom was referred C. B. No. 42, together with the amendments reported by the committee on ways and means, have duly considered the same, and report the bill back with further amendments, and re-

commend that the amendments reported by the committee on ways and means, together with the amendments by the committee of the whole be adopted, and as so amended the bill do pass.

Also, they have had under consideration H. B. No. 7, together with the amendments reported by the committee on judiciary, and recommend that the bill as so amended do pass.

WAITE, Chairman.

On motion of Murray that portion of the report relating to C. B. No. 42 was received and adopted.

C. B. No. 42, with amendments, was referred to committee on engrossment and amendments ordered engrossed.

On motion of Murray, that portion of the report relating to H. B. No. 7 was referred to committee on engrossment and ordered engrossed.

Report of committee on elections and territorial affairs:

Mr. Speaker: Your committee to whom was referred H. B. No. 58, have had the same under consideration and recommend that it do pass with the following amendments.

F. S. WHITNEY, Chairman.

Mr. Speaker: Your committee on elections and territorial affairs, to whom was referred C. B. No. 18, have had the same under consideration and report the same back without recommendation.

F. S. WHITNEY, Chairman.

H. B. No. 58, with amendment and report, and C. B. No. 18, with report of committee, were placed on general orders.

Report of committee on agriculture, manufacture and stock-growing:

Mr. Speaker: Your committee on agriculture, manufacture and stock-growing, to whom was referred H. B. No. 55, have carefully considered the same, and respectfully report it back without recommendation.

JOHNSON, Chairman.

H. B. No. 55, with report of committee, was placed on general orders.

Report of committee on mines and minerals:

Mr. Speaker: Your committee on mines and minerals, to which was referred H. B. No. 16 with council amendments thereto, report that they have considered the same and cannot concur in amendments to section 4, line 18, and to section 7, line 29, and to section 16, line 2.

ROBERTS, Chairman.

On motion of Murray, report was received.

On motion of Murray, a conference committee of three was appointed by the house and a like committee requested on the part of the council, to consider council amendments to H. B. No. 16.

Pursuant to which the speaker appointed Messrs. Murray, Roberts and Saxton.

Report of enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report that H. B. No. 63, an act to repeal section 1595 of the fifth division of the compiled statutes of Montana, and C. B. No. 39, an act to amend section 272, second division of compiled statutes of Montana, were handed to the governor at 10:45 this a. m., for his consideration.

Also, that C. B. No. 22, an act relating to cemeteries and the remains of the dead, is correctly enrolled and is herewith submitted for your signature.

GILLETTE, Chairman.

March 12, 1889.

The speaker announced that he was about to sign C. B. No. 22.

Report of engrossment committee:

Mr. Speaker: Your committee, to whom was referred H. B. No. 7, relating to licenses, respectfully report back the same correctly engrossed.

PICKMAN, Chairman.

Mr. Speaker: Your committee on engrossment, to whom was referred house amendments to C. B. No. 42, relative to fees of county officers, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

Rea moved that a recess be taken until 2 p. m.

Motion lost.

H. B. No. 7 and C. B. No. 42, were placed on calendar for third reading.

On motion of Davis, a recess was taken until 2 p. m.

2:00 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Garrett.

H. B. No. 7 was read third time and placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Flowers, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Swiggett, Waite, Mr. Speaker—18.

Nays—Davis, Gillette, Saxton, Whitney, Willis—5.

Absent—Garrett.

On motion of Haskell, title was amended by striking out the words "and repeal."

Title as amended was agreed to.

C. B. No. 42 was read a third time.

On motion of Murray, rules were suspended and house amendments to C. B. No. 42 were considered read third time.

Blakely moved to amend as follows: Add to page 12 after line 15, the following: Attending district court, per day, two dollars; attending probate or justice' court, with prisoner, a dollar and fifty cents per day.

Swiggett moved to amend amendment by striking out the words "attending district court, per diem, two dollars."

Motion lost.

Original motion of Blakely lost, and bill as amended passed by following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—22.

Nays—Gillette—1.

Absent—Garrett.

Title agreed to.

Following message from the governor was received:

EXECUTIVE OFFICE,
Helena, Montana, March 12, 1889.

Gentlemen of the House of Representatives:

I have the honor to inform you that I have read, approved and signed the bill No. 63, which originated in your body, and is entitled an act to repeal section 1595 of the fifth division of the compiled statutes of Montana, relating to territorial officers. Also, bill No. 42, an act requiring county treasurers to advertise in a newspaper a list of all warrants that they have funds in their hands to redeem.

P. H. LESLIE.

Following communication from the council was received:

COUNCIL CHAMBER,
Helena, Mont., March 12, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the council has adopted house substitute to C. B. No. 1, relating to boiler inspectors. That C. B. No. 44 and 56 have been indefinitely postponed.

I am also directed to return to you H. B. No. 33, to prevent swine from running at large, which has been indefinitely postponed by the council.

I am also instructed to transmit to you C. B. No. 46, to provide for the levy of taxes and assessment of property, which passed the council this day. Respectfully submitted,
JOHN R. EARDLEY, Chief Clerk.

On motion of Murray, the rules were suspended.

C. B. No. 46 was read first time by title only, and read second time.

On motion of Saxton the rules were suspended.

C. B. No. 46 passed to general orders.

House resolved itself into the committee of the whole to consider the general orders.

Mr. Joslyn in the chair.

5:40 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

Following communication from the council was received:

COUNCIL CHAMBER,
Helena, Montana, March 12, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the council failed to concur in house amendments to C. B. No. 42, relating to fees and compensation of county officers, and request that a committee conference thereon be appointed. Messrs. Collins, Kennedy and Thompson of Deer Lodge were by the council appointed members of such committee.

Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

COUNCIL CHAMBER,
Helena, Montana, March 12, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that Messrs. Kennedy, Thompson of Silver Bow, and Bickford have been appointed a committee of conference to confer upon council amendments to H. B. No. 16.

I am also directed to transmit to you H. B. No. 14, relating to dower rights of insane married women, which passed the council with annexed amendments.

C. J. R. No. 16, providing for printing and publishing the constitution, etc., which passed the council this day.

C. B. No. 36, relating to town and village sites and plats which passed the council this day.

C. B. No. 48, concerning schools, which passed the council this day.

H. B. No. 37, concerning stenographers, which passed the council this day without amendment.

Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

Pursuant to the request of the council the chair appointed as members of conference committee for house amendments to C. B. No. 42, Messrs. Murray, Davis and Congdon.

Congdon moved that the house take a recess until 7:30 p. m.

Motion lost.

On motion of Murray, house concurred in council amendments to H. B. No. 14.

H. B. No. 37 and H. B. No. 14, with council amendments, were referred to committee on enrollment and ordered enrolled.

On motion of Haskell, rules were suspended and C. J. R. No. 16 was read first time by title only, read a second time, and on motion of Haskell, was referred to committee on military affairs.

On motion of Hunt, rules were suspended.

C. B. No. 36 was read first time by title, read second time and referred to committee on towns, counties and highways.

On motion of Haskell, the rules were suspended.

C. B. No. 48 was read first time by title only, and read second time.

C. B. No. 48 was referred to committee on education, labor and federal relations.

Following report of select committee was received:

Mr. Speaker: Your select committee, to which was referred H. B. No. 22, relating to insane hospitals, report the same back with the recommendation that the amendments herewith submitted do pass.

HUNT, Chairman.

H. B. No. 22, with amendments of committee, was placed on general orders.

By consent of the house, the following bills were introduced:

By Hunt—H. B. No. 64, an act giving costs in certain cases.

By Davis—A bill for an act to amend section 322, title 9, chapter 1, first division, code of civil procedure, compiled statutes of Montana.

H. B. No. 64 was read first and second times.

On motion of Hunt, rules were suspended and H. B. No. 64 was passed to general orders.

Report of enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report that C. B. No. 22, for the protection of cemeteries and the remains of the dead, was presented to the governor for his consideration at five minutes after 12 m. this 12th day of March, 1889.

GILLETTE, Chairman.

Blakely moved to adjourn.

Motion lost.

On motion of Joslyn, house took a recess until 7:30 p. m.

7:30 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Garrett.

H. B. No. 65 was read first and second times.

On motion of Haskell, rules were suspended and H. B. No. 65 was passed to general orders.

Report of the committee of the whole.

Mr. Speaker: Your committee of the whole, to whom was referred C. B. No. 34, have duly considered the same and recommend that the amendment herewith submitted be adopted, and as so amended the bill be indefinitely postponed.

Also, they have duly considered H. B. No. 51, and recommend that the bill do not pass.

Also, they have considered C. B. No. 46, and recommend that the amendment herewith submitted be adopted, and as so amended the bill do pass.

JOSLYN, Chairman.

On motion of Blakely that portion of the report relating to C. B. No. 34 was received and adopted, and further consideration of C. B. No. 34 as amended was indefinitely postponed.

On motion of Carver that portion of the report relating to H. B. No. 51 was received, and on motion of Hunt further consideration of H. B. No. 51 was indefinitely postponed.

Carver moved that that portion of the report relating to C. B. No. 46 be received and adopted.

Joslyn moved that that portion of the report recommending the adoption of an amendment relating to the exemption from taxation of wood, coal, wheat, oats and barley for the support of families be stricken out.

Motion lost.

Previous motion carried, and that portion of the report was received and adopted.

Joslyn moved that further consideration of C. B. No. 46 be indefinitely postponed.

On motion of Hunt C. B. No. 46 was referred to a select committee of five; pursuant to which the chair appointed Messrs. Hunt, Moore, Saxton, Rea and Congdon.

House resolved itself into the committee of whole to consider the general orders.

Mr. Rea in the chair.

9:00 P. M.

House resumed.

Mr. Speaker in the chair.

On motion of Davis, house adjourned:

LEE MANTLE, Speaker.

BENJAMIN WEBSTER, Chief Clerk.

FIFTY-NINTH DAY.

HOUSE OF REPRESENTATIVES,
Helena, Mont., March 13, 1889.

House met pursuant to adjournment at 10 o'clock a. m.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Garrett.

Prayer by the chaplain.

Journal of the fifty-eighth day read and approved.

Following message from the governor was received:

EXECUTIVE OFFICE,
Helena, Montana, March 12, 1889.

Gentlemen of the House of Representatives:

I have the honor to inform you that I have approved and signed the bill No. 15, which originated in your body, and is entitled an act to provide for the organization, regulation and discipline of the National Guard of Montana. Respectfully,
P. H. LESLIE.

House resolved itself into the committee of the whole to consider the general orders.

Mr. Rea in the chair.

12 M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

Following message from the governor was received:

EXECUTIVE OFFICE,
Helena, M. T., March 13, 1889.

Gentlemen of the House of Representatives:

I have the honor to inform you that I have approved the bill No. 50, which originated in your body, entitled an act to provide for the appointment of a private secretary to the governor.

Respectfully, P. H. LESLIE.

Following reports were received:

Mr. Speaker: Your joint committee on enrollment beg leave to report that H. B. No. 14, an act authorizing the conveyance

of the dower rights of insane married women, and C. B. No. 1, an act establishing a territorial board of inspectors for steam boilers, and for the examination and licensing of engineers are correctly enrolled and are herewith submitted for your signature.

GILLETTE, Chairman.

Conference committee:

Mr. Speaker: Your committee on conference on H. B. No. 16, creating the office of mining inspector, report that the conference committee of the two houses have agreed that the council should recede from its amendments increasing the salary of the deputy inspector and changing the date at which the bill should take effect and be in force, and that the house concur in council amendments to line 29, section 7, prescribing that the names of complainants should be omitted from the copy of the complaint required to be sent to the mine owner.

Your conference committee would recommend the above action to the house.

Respectfully,

MURRAY, Chairman.

On motion of Murray the report was received and adopted.

Report of committee on judiciary:

Mr. Speaker: Your committee on judiciary, to which was referred H. B. No. 63, concerning the boundaries of Fergus county, report that they have considered the same, and report herewith a substitute, which they recommend to be adopted in lieu of the original bill.

HUNT, Chairman.

On motion of Hunt rules were suspended and substitute to H. B. No. 62 was considered read at length.

On motion of Hunt consideration of H. B. No. 62, with substitute thereto, was made a special order for 2:30 p. m.

Report of committee on military affairs:

Mr. Speaker: Your committee on military affairs, to whom was referred C. J. R. No. 16, relating to printing and publishing the constitution of Montana, etc., beg leave to report the same back with the recommendation that it do pass.

SWIGGETT, Chairman.

C. J. R. No. 16, with report of committee, was placed on general orders.

The speaker announced that he was about to sign H. B. No. 14 and C. B. No. 1.

By consent of the house Haskell introduced without previous notice H. B. No. 66, an act repealing certain forfeitures.

H. B. No. 66 was read first and second times.

On motion of Haskell the rules were suspended, and H. B. No. 66 was referred to committee on judiciary.

Report of committee on agriculture, manufacture and stock growing:

Mr. Speaker: Your committee on agriculture, manufacture and stock growing, to whom was referred C. B. No. 50, have carefully considered the same and respectfully report it back with the recommendation that it do not pass.

JOHNSON, Chairman.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole, to whom was referred H. B. No. 52, have duly considered the same and recommend that the amendment herewith submitted be adopted, and as so amended the bill do pass.

Also, they have duly considered H. B. No. 54 and recommend that it be indefinitely postponed.

REA, Chairman.

Mr. Speaker: Your committee of the whole, to whom was referred C. B. No. 37, have the same under consideration and recommend that the bill be referred to a select committee of three.

Also, they have had under consideration H. B. No. 61, and recommend that the amendment herewith submitted be adopted and as amended the bill do pass.

REA, Chairman.

On motion of Congdon that portion of the report relating to H. B. No. 52 was received and adopted, and H. B. No. 52, with amendments, was referred to committee on engrossment and ordered engrossed.

On motion of Rea that portion of the report relating to H. B. No. 54 was received and adopted.

On motion of Rea that portion of the report relating to C. B. No. 37 was received and adopted.

Pursuant to which the speaker appointed as such select committee Messrs. Haskell, Hunt and Swiggett.

On motion of Rea, that portion of the report relating to H. B. No. 61 was received and adopted, and H. B. No. 61 with amendments was referred to committee on engrossment and ordered engrossed.

On motion of Hunt, a recess was taken until 2 p. m.

2:00 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Garrett.

Following reports of committee on engrossment was received:

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 52, Sunday law, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

Mr. Speaker: Your committee on engrossment, to which was referred H. B. No. 61, relating to county commissioners, report the same back correctly engrossed.

PICKMAN, Chairman.

H. B.'s Nos. 52 and 61 were placed on the calendar for third reading.

Report of committee on towns, counties and highways:

Mr. Speaker: Your committee on towns, counties and highways, to whom was referred C. B. No. 36, have examined the same and report it back without recommendation.

JONES, Chairman pro tem.

C. B. No. 36 was placed on general orders.

On motion of Haskell, consideration of H. B.'s Nos. 58, 55 and 65 were made a special order for 3:45 p. m.

House resolved itself into the committee of the whole.

Mr. Blakely in the chair.

2:30 P. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

Following communications from the council were received:

COUNCIL CHAMBER,
Helena, Mont., March 13, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that H. B. No. 26, an act to amend chapter 22, fifth division of the compiled statutes of Montana and amendments thereto, approved Sept. 14, 1887, has passed the council

as amended under a suspension of the rules, and the same is herewith transmitted. Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

COUNCIL CHAMBER,
Helena, Montana, March 13, 1889.

Mr. Speaker: I am directed to transmit to your honorable body H. B. No. 43, to provide for the appointment of a commission to codify the criminal and civil law, etc., which passed the council this day with the amendment attached thereto.

Also, C. B. No. 58, relating to compensation of jurors, which passed the council this day.

Also, that the council has receded from its amendment to H. B. No. 16, increasing the salary of deputy inspector and the amendment changing date when the bill shall take effect.

Respectfully,

JOHN R. EARDLEY, Chief Clerk.

H. B. No. 16 was referred to committee on enrollment and ordered enrolled.

Council amendments to H. B. No. 43 were read.

Hunt moved that a conference committee of three be appointed on the part of the house and that the council be requested to appoint a like committee to confer on council amendments to H. B. No. 43.

Motion carried.

Pursuant to which the house appointed Messrs. Hunt, Haskell and Saxton.

On motion of Haskell, C. B. No. 58 was read first and second times.

On motion of Haskell, the rules were suspended and C. B. No. 58 was made a special order for 3:45 p. m.

On motion of Hunt, the house concurred in council amendments to H. B. No. 16, and bill and amendments were referred to committee on enrollment and ordered enrolled.

Following report of special committee was received:

Mr. Speaker: Your special committee, to which was referred C. B. No. 46, respectfully report that they have the same under consideration, and report the same back recommending the adoption of the amendments made in the committee of the whole, except the amendment offered by Blakely to be added to section 5; and your committee, in addition thereto, recommend

the following amendments: That there be added to section 3, after line 50 of printed bill, the following words: "and hay and feed sufficient to feed work teams and three cows for the period of six months, and seed grain sufficient to sow 160 acres of land, the amount thereof to be determined by the assessor. Also, fuel for home use, be and the same are hereby exempt from taxation." That section 9 of the printed bill be amended by striking out in lines 2 and 3 the following words: "and all acts and parts of acts in conflict with this act;" and in line 3 of section 9, strike out the word "an" and insert the word "is."

HUNT, Chairman.

On motion of Congdon report was adopted, and C. B. No. 46 with amendments of special committee were referred to committee on engrossment and amendments ordered engrossed.

By consent of the house Hunt introduced H. B. No. 67, an act to provide for the care and maintainance of feeble minded and imbecile children, without previous notice.

H. B. No. 67 was read first and second times.

On motion of Davis the rules were suspended, bill was considered engrossed, read third time placed on its final passage.

H. B. No. 67 passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Gillette, Haskell, Hunt, Johnson, Joslyn, Murray, Moore, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Willis, Mr. Speaker—22.

Nays—none.

Absent—Garrett and Whitney—2.

Title agreed to.

H. B. No. 61 was read third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Gillette, Haskell, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Willis, Mr. Speaker—21.

Nays—none.

Absent—Garrett, Hunt, Whitney.

Title agreed to.

H. B. No. 52 was read third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Gillette, Hunt, Jones, Moore, Murray, Rea, Roberts, Swiggett, Willis, Mr. Speaker—15.

Nays—Flowers, Hunt, Johnson, Joslyn, Pickman, Saxton, Waite—7.

Absent—Garrett, Whitney—2.

Title agreed to.

Following message from the council was received:

COUNCIL CHAMBER,
Helena, Montana, March 13, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that Messrs. Kennedy, Bickford and Middleton have been appointed a conference committee on council amendments to H. B. No. 43. Respectfully submitted,
JOHN R. EARDLEY, Chief Clerk.

Report of select committee:

Mr. Speaker: Your select committee, to whom was referred C. B. No. 53, have had the same under consideration, and recommend that the same do pass. HUNT, Chairman.

On motion of Hunt report was adopted, and H. B. No. 53 was referred to committee on engrossment.

Following communication from the council was received:

COUNCIL CHAMBER,
Helena, Mont., March 13, 1889.

Mr. Speaker: I am directed by the council to transmit to your honorable body the following bills which have this day passed the council, viz:

C. B. No. 49, a bill for an act concerning public schools in incorporated cities.

C. B. No. 53, a bill for an act to amend section 1950 of the fifth division of the compiled laws of Montana, concerning school bonds.

C. B. No. 52, concerning publication of notices required by law to be posted, and C. B. No. 60, a bill for an act entitled an act to amend section 785, compiled statutes of Montana, relating to the time of meetings of boards of county commissioners.

Respectfully submitted, JOHN R. EARDLEY, Chief Clerk.

C. B. No. 49 was read first and second times.

Swiggett moved that the rules be suspended, bill read third time and placed on its final passage.

Motion lost.

C. B. No. 49 was referred to committee on education, labor and federal relations.

C. B. No. 52 was read first and second times and referred to committee on elections and territorial affairs.

C. B. No. 53 was read first and second times and referred to committee on judiciary.

C. B. No. 60 was read first and second times and referred to committee on elections and territorial affairs.

Report of committee on education, labor and federal relations:

Mr. Speaker: Your committee on education, labor and federal relations, to whom was referred C. B. No. 48, report the same back with amendments, and as amended recommend it do pass.
MURRAY, Chairman.

C. B. No. 48 was placed on general orders.

House resolved itself into the committee of the whole to consider the general orders.

Mr. Jones in the chair.

3:25 P. M.

House resumed.

Mr. Speaker in the chair.

Following message from the council was received:

COUNCIL CHAMBER,
Helena, Montana, March 13, 1889.

Mr. Speaker: I am directed by the council to transmit to your honorable body C. B. No. 30, an act concerning roads and highways, which has this day passed the council.

Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

On motion of Hunt, the rules were suspended, C. B. No. 30 was read first time by title only, read second time and referred to committee on towns, counties and highways.

On motion of Haskell, consideration of C. B. No. 46 was made a special order for 7:30 p. m.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole, to whom was referred H. B. No. 62, together with substitute, report the substitute back to the house with the recommendation that it do pass.

JONES, Chairman.

On motion of Waite, report was received and adopted.

On motion of Waite, the rules were suspended, H. B. No. 62 was considered engrossed, read third time by title only, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Davis, Flowers, Gillette, Haskell, Hunt, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Willis—19.

Nays—Mr. Speaker—1.

Absent—Congdon, Garrett, Johnson, Whitney—4.

Title agreed to.

Report of judiciary committee:

Mr. Speaker: Your committee on judiciary have had under consideration C. B. No. 53, and return the same with the recommendation that the bill do pass.

HUNT, Chairman.

On motion of Murray, report was received, rules were suspended, C. B. No. 53 was read third time by title only, and placed on its final passage.

C. B. No. 53 passed by the following vote:

Ayes—Blakely, Carver, Comfort, Davis, Flowers, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Willis, Mr. Speaker—21.

Nays—0.

Absent—Congdon, Garrett, Whitney—3.

Title agreed to.

Report of committee on judiciary:

Mr. Speaker: Your committee on judiciary, to which was referred H. B. No. 66, relating to railroad charters, report the same back and recommend it do pass.

HUNT, Chairman.

On motion of Haskell, report was received.

On motion of Haskell, the rules were suspended and H. B. No. 66 was considered engrossed, read third time and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Gillette, Haskell, Johnson, Joslyn, Jones, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Willis—19.

Nays—Flowers, Mr. Speaker—2.

Absent—Garrett, Hunt, Whitney—3.

Title agreed to.

Report of enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report H. B. No. 14, authorizing conveyance of dower rights of insane married women, and C. B. No. 1, an act establishing a territorial board of inspectors of steam boilers, were presented to the governor at 3:20 this p. m. for his consideration.

Also, H. B. No. 37, an act to amend section 4 of an act concerning the appointment of stenographers, is correctly enrolled and is herewith submitted for your signature.

GILLETTE, Chairman.

The speaker announce that he was about to sing H. B. No. 37.

Report of special committee:

Mr. Speaker: Your committee to which was referred C. B. No. 29 respectfully report that they have considered said bill and report the same back without recommendation.

E. E. CONGDON, Chairman.

C. B. No. 29 was placed on general orders.

House resolved itself into the committee of the whole to consider the general orders

Mr. Waite in the chair.

5:30 P. M.

House resumed.

Mr. Speaker in the chair.

Following communication from the council was received:

Mr. Speaker: I am directed by the council to inform your honorable body that the report of conference on H. B. No. 43 has been adopted, and the amendments recommended were adopted, and the bill is herewith transmitted.

The following bills have passed the council, and the same are herewith transmitted, viz.:

H. B. No. 53, a bill for an act to provide for filling vacancies in the office of county commissioners.

Also, C. B. No. 61, an act requiring the publication of certain laws.

Also, C. J. R. No. 19, relating to printing of laws, which was introduced by leave by Middleton, and passed under a suspension of the rules.

Also, C. B. No. 67, an act to provide for the care and maintenance of feeble minded children has passed the council under a suspension of the rules, and the same is herewith transmitted.

Also, H. B. No. 62, an act providing for the extension of the northern boundary of Fergus county, which passed the house without amendment.

I am also directed to inform you that H. B. No. 52 has been laid on the table.

I am also directed to return to you H. B. No. 66, an act repealing certain forfeitures, in order that you may perfect the history of the bill by supplying the deficiency in the paternity of the bill. Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

H. B. No. 53 was referred to committee on enrollment and ordered enrolled.

H. B. No. 67 was referred to committee on enrollment and ordered enrolled.

H. B. No. 62, was referred to committee on enrollment and ordered enrolled.

On motion of Murray, house concurred in council amendments to H. B. No. 53.

Following report of committee on conference was received:

Mr. Speaker: Your conference committee on H. B. No. 43, concerning the code commission, report the committee of the two houses have agreed to an amendment, and the word "regular" in line 23, section 3, council amendment, is stricken out, and in line 25 after the word "Montana" are inserted the words "whether regular or extraordinary."

And your committee recommend the adoption of the amendments agreed on.

HUNT, Chairman.

On motion of Hunt, the report was received and adopted.

H. B. No. 43 and amendments was referred to committee on enrollment and ordered enrolled.

C. J. R. No. 19 was read first and second times.

On motion of Murray, rules were suspended, resolution was read third time, placed on its final passage and passed by the following vote:

Ayes—Carver, Comfort, Congdon, Davis, Haskell, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Willis, Mr. Speaker—17.

Nays—0.

Absent—Blakely, Flowers, Garrett, Gillette, Hunt, Waite, Whitney—7.

Title agreed to.

Report of committee on enrollment:

Mr. Speaker: Your joint committee on enrollment beg leave to report that H. B. No. 37, an act concerning the appointment of stenographers, was handed to the governor at 4:15 p. m. for his consideration.

March 13, 1889.

GILLETTE, Chairman.

Mr. Speaker: Your joint committee on enrollment beg leave to report that H. B. No. 16, an act to create the office of inspector of mines and to define his duties; C. B. No. 12, an act relating to the drawing of juries, and C. J. M. No. 15, relating to mineral lands, are correctly enrolled, and are herewith submitted for your signature.

GILLETTE, Chairman.

The speaker announced that he was about to sign H. B. No. 16, C. B. No. 12 and C. J. M. No. 15.

Report of engrossment committee:

Mr. Speaker: Your committee on engrossment, to whom was referred house amendments to C. B. No. 46, report the same back correctly engrossed.

PICKMAN, Chairman.

Report of committee on agriculture, manufacture and stock growing:

Mr. Speaker: Your committee on agriculture, manufacture and stock growing, to whom was referred H. B. No. 59, an act to provide for the taking up of estrays, have considered the same and report it back with the recommendation that it do not pass.

JOHNSON, Chairman.

H. B. No. 59, with report of committee, was placed on general orders.

Mr. Comfort was excused for the rest of the day.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole, to whom was referred H. B. No. 32 and substitute thereto, recommend that it be indefinitely postponed.

BLAKELY, Chairman.

On motion of Davis, report was received and adopted, and H. B. No. 32 was indefinitely postponed.

Second report of the committee of the whole:

Mr. Speaker: Your committee of the whole, to whom was referred H. B. No. 55, have considered the same and report it back with the recommendation that it do pass as amended.

Your committee have also considered H. B. No. 58, and report it back with the recommendation that as amended it do pass.

Your committee have also had under consideration H. B. No. 65, and report the same back with the recommendation that it do pass.

Your committee have also had under consideration C. B. No. 18, and report it back with the recommendation that it be indefinitely postponed.

Your committee have also considered C. B. No. 58, and report the same back with the recommendation that it do pass.

WAITE, Chairman.

On motion of Waite, that portion of the report relating to H. B. No. 55 was received and adopted.

H. B. No. 55 was referred to committee on engrossment and ordered engrossed.

On motion of Rea, that portion of the report relating to H. B. No. 58 was received and adopted.

H. B. No. 58 was referred to committee on engrossment and ordered engrossed.

On motion of Murray, that portion of the report relating to H. B. No. 65 was received and adopted.

On motion of Rea, rules were suspended and H. B. No. 65 was considered engrossed and placed on calendar for third reading.

Murray moved that that portion of the report relating to C. B. No. 18 be received and adopted.

Joslyn moved that the motion to receive and adopt be laid on the table. Motion lost. Original motion lost.

Joslyn moved that further consideration be made a special order for to-morrow at 10:30 a. m. Motion carried.

Report of enrollment committee:

Mr. Speaker: Your joint enrollment committee beg leave to report H. B. No. 38, an act to add a section to chapter 102, fifth division, relating to toll roads, bridges and ferry boats.

H. B. No. 67, an act to provide for the care and maintenance of feeble minded and imbecile children; and C. B. No. 42, an act relative to the fees and salaries of the several county officers, are correctly enrolled and are submitted for your signature.

GILLETTE, Chairman.

The speaker announced that he was about to sign H. B.'s Nos. 67 and 38, and C. B. No. 42.

Report of conference committee.

Mr. Speaker: Your committee appointed to confer with a like committee from the council, relating to C. B. No. 42, beg leave to report that said committee has concurred in house amendments to said bill.

MURRAY, Chairman.

Hunt moved to take a recess till 7:30.

Joslyn moved to amend by making it 8 o'clock.

Amendment carried and house took a recess till 8 o'clock.

8 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave, Garrett.

On motion of Hunt that portion of the report of the committee of the whole, relating to C. B. No. 58, was received and adopted.

On motion of Hunt the rules were suspended.

C. B. No 58 was read third time by title only, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Congdon, Flowers, Haskell, Hunt, Johnson, Jones, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—19.

Nays—none.

Absent—Comfort, Davis, Garrett, Gillette, Joslyn—5.

Title agreed to.

C. B. No. 61 was read third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Congdon, Davis, Flowers, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea,

Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—21.

Nays—0.

Absent—Comfort, Garrett, Gillette—3.

Title agreed to.

By consent of the house, Haskell introduced H. B. No. 68, an act to amend sections 1613, 1614 and 1615, fifth division, general laws.

H. B. No. 68 was read first and second times on motion of Haskell, and H. B. No. 68 passed to general orders.

Report of engrossment committee:

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 58, noxious drug bill, H. B. No. 55, to encourage the establishment of a paper mill, etc., report the same back correctly engrossed.

H. B.'s Nos. 58 and 55 were placed on the calendar for third reading.

On motion of Blakely, H. B. No. 58 was taken from the calendar, read a third time and passed by the following vote:

Ayes—Blakely, Carver, Congdon, Davis, Flowers, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—22.

Nays—0.

Absent—Comfort, Garrett—2.

Title agreed to.

Following communication from the council was received:

Mr. Speaker: I am directed by the council to inform your honorable body that in compliance with request from the house, H. B. No. 56 has been recalled from the committee on towns and counties and the same is herewith transmitted.

Respectly submitted,

JOHN R. EARDLEY, Chief Clerk.

At the request of the speaker Mr. Swiggett took the chair.

On motion of Hunt the rules were suspended.

H. B. No. 56 was read for third time by title and passed by the following vote:

Ayes—Blakely, Carver, Congdon, Davis, Flowers, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—22.

Nays—none.

Absent—Comfort, Garrett—2.

Title agreed to.

Following communication from the council was received:

COUNCIL CHAMBER,
Helena, Montana, March 13, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that the following bill has passed the council, and the same is herewith transmitted, H. B. No. 38, an act to add a section to chapter 102, fifth division, compiled statutes of Montana, relating to toll roads and toll bridges.

Respectfully,

JOHN R. EARDLEY, Chief Clerk.

H. B. No. 38 was referred to committee on enrollment and ordered enrolled.

Murray moved that C. B. No. 46 be read a third time by title only. Motion lost.

The speaker requested Mr. Whitney to take the chair.

C. B. No. 46 was read third time at length, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Congdon, Davis, Haskell, Hunt, Johnson, Moore, Murray, Rea, Roberts, Saxton, Waite, Whitney—14.

Nays—Comfort, Flowers, Jones, Joslyn, Pickman, Swiggett, Willis, Mr. Speaker—8.

Absent—Garrett and Gillette—2.

Title agreed to.

H. B. No. 55 was read third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Haskell, Moore, Murray, Pickman, Rea, Roberts, Swiggett, Whitney, Willis—15.

Nays—Hunt, Johnson, Jones, Joslyn, Saxton, Mr. Speaker—6.

Absent—Garrett, Gillette, Waite—3.

Title agreed to.

H. B. No. 65 was read third time, placed on its final passage, and was lost by the following vote:

Ayes—Congdon, Carver, Davis, Flowers, Rea, Roberts, Waite, Whitney, Willis—9.

Nays—Blakely, Comfort, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Saxton, Swiggett, Mr. Speaker—14.

Absent—Garrett—1.

On motion of Mantle, the house reconsidered vote by which H. B. No. 65 was lost.

H. B. No. 65 passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Gillette, Jones, Moore, Pickman, Rea, Roberts, Saxton, Waite, Whitney, Willis, Mr. Speaker—17.

Nays—Haskell, Hunt, Johnson, Joslyn, Murray, Swiggett—6.

Absent—Garrett.

Title agreed to.

The speaker resumed the chair.

Following communication from the council was received:

COUNCIL CHAMBER,

Helena, Mont., March 13, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that H. B. No. 46, an act to provide for the appointment of deputy veterinary surgeons, and to suppress and prevent dissemination of scab and contagious diseases among sheep has passed the council, and the same is herewith transmitted.

Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

H. B. No. 46 was referred to committee on enrollment and ordered enrolled.

Report of enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report that H. B. No. 43, an act to provide for the appointment of a commission to codify the criminal and civil laws is correctly enrolled, and is herewith submitted for your signature.

GILLETTE, Chairman.

The speaker announced that he was about to sign H. B. No. 43.

On motion of Murray C. B. No. 48 was made a special order for tomorrow at 11 o'clock a. m. in the committee of the whole.

On motion of Haskell the rules were suspended.

H. B. No. 68 was taken from general orders, considered engrossed and passed to third reading.

H. B. No. 68 was read third time, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Willis, Whitney, Mr. Speaker—23.

Nays—none.

Absent—Garrett—1.

Title agreed to.

By consent of the house Blakely introduced H. B. No. 69, to define the time that saloons be closed on general election day.

H. B. No. 69 was read first and second times.

On motion of Blakely, rules were suspended, bill was considered engrossed and passed to a third reading.

H. B. No. 69 was read third time.

On motion of Haskell, the clerk was instructed to insert in the presence of the house the enacting clause.

H. B. No. 69 was placed on its final passage and was lost by the following vote:

Ayes—Blakely, Carver, Flowers, Gillette, Haskell, Pickman, Rea, Roberts, Waite, Whitney—10.

Nays—Comfort, Congdon, Davis, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Saxton, Swiggett, Willis, Mr. Speaker—13.

Absent—Garrett.

House resolved itself into the committee of whole to consider the general orders.

Mr. Blakely in the chair.

10:20 P. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

On motion of Hunt, a recess was taken for five minutes.

10:40 P. M.

House resumed.

Mr. Speaker in the chair.

Following report of the committee of the whole was received:

Mr. Speaker: Your committee of the whole, to whom was referred H. B. No. 60, with amendments by the committee on judiciary, recommend that it do pass. BLAKEY, Chairman.

On motion of Murray report was received and adopted.

H. B. No. 60 was referred to committee on engrossment and ordered engrossed.

House resolved itself into the committee of the whole to consider general orders, Mr. — in the chair.

11:30 P. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole was granted time to report.

On motion of Swiggett. that portion of the day's proceedings relating to the call of the house and the proceedings under the call of the house were omitted from the journal.

Following message from the council was received:

COUNCIL CHAMBER,
Helena, Montana, March 13, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that C. J. R. No. 18, making an appropriation for the Historical Society of Montana, was introduced by Hatch, read first, second and third times, and passed under a suspension of the rules, and the same is herewith transmitted.

Also, that the council has concurred in house amendments to C. B. No. 46, to provide for the levy of taxes and assessment of property.

Also, that H. B. No. 68, an act to amend sections 1613, 1614 and 1615, fifth division, general laws, has passed the council un-

der a suspension of the rules, and the same is herewith transmitted.

Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

C. J. R. No. 18 was read first and second times.

On motion of Murray, rules were suspended and resolution was passed to its third reading.

C. J. R. No. 18 was read third time and passed by the following vote:

Ayes—Carver, Congdon, Davis, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—19.

Nays—Blakely, Flowers—2.

Absent—Comfort, Garrett, Gillette—3.

Title agreed to.

On motion of Davis, house adjourned.

LEE MANTLE, Speaker.

BENJAMIN WEBSTER, Chief Clerk.

SIXTIETH DAY.

HOUSE OF REPRESENTATIVES,

Helena, Mont., March 14, 1889.

House met pursuant to adjournment at 10 o'clock a. m., Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Garrett.

Following communication from the council was received:

COUNCIL CHAMBER,

Helena, Mont., March 14, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that H. B. No. 7, an act to amend certain sections of an act entitled an act to amend an act concerning licenses, approved Sept. 1, 1887, has passed the council under a suspension of the rules, and is herewith transmitted.

Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

H. B. No. 7 was referred to enrollment committee and ordered enrolled.

Report of engrossment committee:

Mr. Speaker: Your committee on engrossment, to whom was referred H. B. No. 60, concerning business hours, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

H. B. No. 60 was placed on calendar for third reading.

Report of enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report that C. B. No. 53, an act relating to the issuing of school bonds; C. B. No. 58, an act relating to compensation of jurors; and C. J. R. No. 19, relating to the printing of laws, are correctly enrolled and are herewith submitted for your signature.

GILLETTE, Chairman.

The speaker announced that he was about to sign C. B. No. 53, and C. B. No. 58, and C. J. R. No. 19.

Following message from the governor was received:

EXECUTIVE OFFICE,

Helena, Montana, March 13, 1889.

Gentlemen of the House of Representatives:

I have the honor to inform you that I have approved and signed on this day the bill No. 37, which originated in your body, entitled an act to amend section 4 of an act concerning the appointment of stenographers by the district courts.

Approved September 14, 1887.

Also bill No. 67, entitled an act to provide for the care and maintenance of feeble minded and imbecile children.

Also, bill No. 38, entitled an act to add a section to chapter 102, fifth division, compiled statutes of Montana, relating to toll roads, toll bridges and toll ferry boats.

Also, bill no. 14, entitled an act authorizing the conveyance of the dower rights of insane married women.

Respectfully, P. H. LESLIE.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole, to whom was referred the following bills, recommend as follows:

That H. B. No. 59 be indefinitely postponed.

That C. B. No. 29 be indefinitely postponed.

That H. B. No. 64 do pass.

That C. J. R. No. 16 be referred to a select committee of three.

That H. B. No. 22 be indefinitely postponed.

That C. B. No. 43 do pass.

That C. B. No. 36 do pass as amended.

BLAKELY, Chairman.

On motion of Murray, that portion of the report relating to H. B. No. 22, H. B. No. 59 and C. B. No. 29 was received and adopted, and further consideration of H. B. 22 and 59, and C. B. No. 29 was indefinitely postponed.

On motion of Hunt, that portion of the report relating to H. B. No. 64 was received and adopted.

On motion of Hunt, rules were suspended and C. B. No. 64 was considered engrossed, passed to third reading, placed on its final passage, and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Flowers, Gillette, Haskell, Hunt, Jones, Joslyn, Moore, Murray, Rea, Roberts, Swiggett, Waite, Willis, Mr. Speaker—18.

Nays—0.

Not voting—Davis—1.

Absent—Garrett, Johnson, Pickman, Saxton, Whitney—5.

Title agreed to.

On motion of Murray, that portion of the report relating to C. J. R. No. 16 was received and adopted.

Pursuant to which the chair appointed Messrs. Moore, Willis and Flowers as such select committee.

On motion of Murray that portion of the report relating to C. B. No. 43 was received and adopted, and C. B. No. 43 was placed on the calendar for third reading.

On motion of Rea that portion of the report relating to C. B. No. 36 was received and adopted.

On motion of Hunt rules were suspended.

Amendments to C. B. No. 36 were considered engrossed.

On motion of Blakely the rules were suspended.

C. B. No. 36 was read third time by title only, placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Congdon, Davis, Gillette, Haskell

Hunt, Jones, Joslyn, Moore, Murray, Rea, Roberts, Saxton, Swiggett, Waite, Whitney—17.

Nays—Comfort, Flowers, Pickman, Willis, Mr. Speaker—5.

Absent—Garrett, Johnson.

Title agreed to.

Report of enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report that H. B. No. 38, concerning toll roads, etc.; H. B. No. 7, concerning imbecile children, and C. B. No. 42, concerning fees and salaries, were presented to the governor for his consideration at 10:05 p. m., March 13, 1889.

GILLETTE, Chairman.

By consent of the house, Hunt introduced H. B. No. 70, an act for the apportionment of the legislative assembly of Montana.

H. B. No. 70 was read first and second times.

Davis moved that the rules be suspended, bill be considered engrossed and passed to third reading.

Motion withdrawn.

On motion of Hunt, consideration of H. B. No. 70 was made a special order for 11:30 p. m. in the committee of the whole.

On motion of Hunt, house resolved into the committee of the whole to consider C. B. No. 48, Mr. Congdon in the chair.

12:05 P. M.

House resumed.

Mr. Speaker in the chair.

The chairman of the committee of the whole reported progress and asked leave to sit again.

Report of enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report that H. B. No. 53, an act to provide for filling vacancies in office of county commissioners; H. B. No. 62, an act to provide for the extension of the northern boundary of Fergus County; H. B. No. 68, an act to amend sections 1613 and 1615, fifth division, general laws, and H. B. No. 46, an act relating to appointment of deputy veterinary surgeons, and to prevent dissemination of scab among sheep.

Also, H. B. No. 26, an act to amend chapter 22, fifth division, compiled statutes of Montana, correctly enrolled, and are herewith submitted for your signature. GILLETTE, Chairman.

The speaker announced that he was about to sign H. B.'s Nos. 53, 68, 62, 26 and 46.

Blakely moved that a recess be taken until 2:00 p. m.

Motion lost.

On motion of Murray, house resolved itself into the committee of the whole to consider H. B. No. 70.

Mr. Congdon in the chair.

12:10 P. M.

House resumed.

Mr. Speaker in the chair.

Following report of the committee of the whole was received:

Mr. Speaker: Your committee of the whole have had under consideration H. B. No. 70, and recommend that the bill do pass.

E. E. CONGDON, Chairman.

On motion of Congdon, the report was received and adopted.

On motion of Murray, the rules were suspended.

H. B. No. 70 was considered engrossed, read third time by title only, placed on its final passage and passed by the following vote:

Ayes—Carver, Comfort, Congdon, Davis, Haskell, Hunt, Jones, Joslyn, Moore, Murray, Pickman, Roberts, Swiggett, Waite, Whitney, Willis, Mr. Speaker—17.

Nays—Blakely, Flowers, Johnson, Rea, Saxton—5.

Absent—Garrett, Gillette—2.

Title agreed to.

Report of select committee:

Mr. Speaker: Your select committee to which was referred C. J. R. No. 16 beg leave to recommend the same back to the house for favorable consideration, with the accompanying amendments.

MOORE, Chairman.

On motion of Murray, report was received and adopted.

C. J. R. No. 16 was referred to committee on engrossment and amendments ordered engrossed.

On motion of Blakely, a recess was taken until 2 p. m.

2:00 P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Garrett.

Following reports of committees on elections and territorial affairs were received:

Mr. Speaker: Your committee on elections and territorial affairs, to whom was referred C. B. No. 60, report that they have had the same under consideration and recommend that it do pass.

F. S. WHITNEY, Chairman.

Mr. Speaker: Your committee on elections and territorial affairs, to whom was referred C. B. No. 52, have had the same under consideration and report it back without recommendation.

F. S. WHITNEY, Chairman.

Mr. Speaker: Your committee on elections and territorial affairs, to whom was referred H. B. No. 40, have had the same under consideration and report it back without recommendation.

F. S. WHITNEY, Chairman.

H. B. No. 40, C. B. No. 52 and C. B. No. 60, were placed on general orders.

On motion of Joslyn the house resolved itself into the committee of the whole to consider H. B. No. 18, made a special order for 10:45 a. m.

Mr. Murray in the chair.

3:00 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole, to whom was referred C. B. No. 18, have had the same under consideration, and recommend that the substitute be adopted and that the same do pass.

MURRAY, Chairman.

On motion of Congdon report was received and adopted.

On motion of Joslyn, rules were suspended.

Substitute to C. B. No. 18 was considered engrossed, read third time and passed by the following vote:

Ayes—Carver, Congdon, Comfort, Flowers, Gillette, Haskell, Hunt, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Swiggett, Waite, Whitney, Willis, Mr. Speaker—19.

Nays—none.

Absent—Davis, Garrett, Johnson, Saxton, Blakely—5.

On motion of Joslyn, title was amended as follows: "An act to provide for the payment of stock killed, injured or destroyed by railroad companies or corporations in Montana.

Report of committee on enrollment:

Mr. Speaker: Your joint committee on enrollment begs leave to report that house bills Nos. 53, 62, 68, 46 and 26 were presented to the governor for his consideration at 12:20 this p. m., 14th March, 1889.

GILLETTE, Chairman.

Following message from the council was received:

COUNCIL CHAMBER,
Helena, Mont., March 14, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that C. B. No. 57, a bill for an act to amend chapter 82, compiled laws of Montana, relating to liens, and to add thereto a subdivision of section 1394.

Also H. B. No. 56, relating to compensation of mayors and aldermen of incorporated cities, etc., as amended by the council, have passed the council and the same are herewith transmitted.

Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

On motion of Hunt, House concurred in council amendments to H. B. No. 56.

H. B. No. 56, with amendments, was referred to committee on enrollment and ordered enrolled.

C. B. No. 57, read first and second times and on motion of Murray, referred to committee on judiciary.

Report of engrossment committee:

Mr. Speaker: Your committee on engrossment, to whom was referred C. J. R. No. 16, concerning the printing and publishing of the constitution of Montana, respectfully report the same back correctly engrossed.

PICKMAN, Chairman.

C. J. R. No. 16 was read third time, placed on its final passage, and lost by the following vote:

Ayes—Flowers, Moore, Pickman, Swiggett, Willis—5.

Nays—Carver, Comfort, Congdon, Davis, Gillette, Haskell, Hunt, Jones, Joslyn, Murray, Rea, Roberts, Waite, Whitney, Mr. Speaker—15.

Absent—Blakely, Garrett, Johnson, Saxton—4.

H. B. No. 60 was read a third time, placed on its final passage and lost by the following vote:

Ayes—Carver, Comfort, Congdon, Haskell, Hunt, Moore, Rea, Waite, Willis, Mr. Speaker—10.

Nays—Davis, Flowers, Gillette, Jones, Joslyn, Murray, Pickman, Roberts, Swiggett, Whitney—10.

Absent—Blakely, Garrett, Johnson, Saxton—4.

Title agreed to.

On motion of Joslyn, rules were suspended.

C. B. No. 50 was taken from general orders, read a third time and placed on its final passage and lost by the following vote:

Ayes—Joslyn, Pickman, Willis, Mr. Speaker—4.

Nays—Carver, Comfort, Congdon, Davis, Gillette, Haskell, Hunt, Jones, Moore, Murray, Rea, Roberts, Swiggett, Waite, Whitney—15.

Absent—Blakely, Flowers, Garrett, Johnson, Saxton—5.

House resolved itself into the committee of the whole to consider general orders, Mr. Moore in the chair.

3:15 P. M.

House resumed.

Mr. Speaker in the chair.

Report of select committee:

Mr. Speaker: Your special committee, to which was referred C. B. No. 37, an act relating to life insurance companies, have had the same under consideration and report the same back to the house with the recommendation that it do not pass.

HASKELL, Chairman.

On motion of Moore, report was received.

On motion of Roberts, further consideration of C. B. No. 37 was indefinitely postponed.

Report of judiciary committee:

Mr. Speaker: Your committee on judiciary, to which was referred C. B. No. 57, relative to mechanics' liens, beg leave to

say that they have had the same under consideration and report it back with the recommendation that it do pass.

HUNT, Chairman.

On motion of Murray, the rules were suspended and C. B. No. 57 passed to third reading.

C. B. No. 57 was read a third time and passed by the following vote:

Ayes—Carver, Congdon, Davis, Flowers, Gillette, Haskell, Hunt, Moore, Murray, Pickman, Rea, Roberts, Swiggett, Waite, Whitney, Willis, Mr. Speaker—17.

Nays—Comfort, Saxton—2.

Excused—Blakely—1.

Absent—Garret, Jones, Joslyn, Johnson—4.

Title agreed to.

Report of committee on enrollment:

Mr. Speaker: Your joint committee on enrollment beg leave to report that H. B. No. 7, an act concerning licenses, approved September 14, 1887.

H. B. No. 56, an act relating to the compensation of mayors and aldermen, and council bill No. 61, an act requiring the publication of certain laws, are correctly enrolled and are herewith submitted for your signature.

GILLETTE, Chairman.

The speaker announced that he was about to sign C. B. No. 61, H. B. No. 7 and H. B. No. 56.

Report of the committee of the whole:

Mr. Speaker: Your committee of the whole, to whom was referred C. B. No. 52, recommend that it do not pass.

Also, they have considered H. B. No. 40, and recommend that it be indefinitely postponed.

Also, they have considered C. B. No. 60, and recommend that it be returned to the council, to have the paternity of the bill placed thereon.

MOORE, Chairman.

Mr. Speaker: Your committee of the whole to whom was referred C. B. No. 48, with amendments reported by the committee on education, labor and federal relations, have considered the same and recommend that the bill be indefinitely postponed.

MOORE, Chairman.

On motion of Congdon, that portion of the report relating to C. B. No. 52 was read and adopted, and C. B. No. 52 was indefinitely postponed.

On motion of Rea, that portion of the report relating to C. B. No. 40 was received and adopted.

On motion of Roberts, that portion of the report relating to C. B. No. 60 was received and adopted.

On motion of Rea, that portion of the report relating to C. B. No. 48 was received and adopted.

On motion of Moore, a recess of fifteen minutes was taken.

4:00 P. M.

House resumed.

Mr. Speaker in the chair.

Report of committee on enrollment:

Mr. Speaker: Your joint committee on enrollment beg leave to report that C. J. R. No. 19, C. B. No. 53 and C. B. No. 58 were presented to governor for his consideration at 12:20 p. m.

GILLETTE, Chairman.

Report of committee on town, counties and highways:

Mr. Speaker: Your committee on towns, counties and highways, to whom was referred C. B. No. 30, report back the same with the recommendation that it be indefinitely postponed.

JONES, Chairman, pro tem.

On motion of Swiggett report was received and adopted, and further consideration of C. B. No. 30 was indefinitely postponed.

Following message from the governor was received:

EXECUTIVE OFFICE,
Helena, M. T., March 14, 1889.

Gentlemen of the House of Representatives:

I have the honor to inform you that I have approved and on this day signed the bill No. 43, which originated in your body entitled an act to provide for the appointment of a commission to codify the criminal and civil laws and procedure, and to revise, compile and arrange the statute laws of Montana.

Also bill No. 68, entitled an act to amend sections 1613, 1614 and 1615, fifth division of general laws.

Also bill No. 62, entitled an act providing for the extension of the northern boundary of Fergus County.

Also bill No. 53, entitled an act to provide for filling vacancies in the offices of county commissioners.

Respectfully,

P. H. LESLIE.

On motion of Murray, a recess of twenty minutes was taken.

4:30 P. M.

House resumed.

Mr. Speaker in the chair.

On motion of Joslyn, a recess was taken until 5 p. m.

5:00 P. M.

House resumed.

Mr. Speaker in the chair.

The following communication from the council was received:

COUNCIL CHAMBER,
Helena, Montana, March 14, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that H. B. No. 70, for apportionment of the legislative assembly of Montana, has passed the council, and the same is herewith transmitted.

Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

H. B. No. 70 referred to committee on enrollment and ordered enrolled.

The following resolution was introduced by consent of the house without previous notice:

H. C. R. No. 13 relating to the publication of laws.

H. C. R. No. 13 was read first and second times, and on motion of Murray, the rules were suspended, resolution was considered engrossed, read third time and placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—23.

Nays—none.

Absent—Garrett—1.

Title agreed to.

On motion of Hunt recess was taken until 5:45 p. m.

5:45 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Report of enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report that C. B. No. 46, an act to amend an act to provide for the levy of taxes, and H. B. No. 70, an act for the apportionment of the legislative assembly, are correctly enrolled, and are herewith submitted for your signature. GILLETTE, Chairman.

The speaker announced that he was about to sign H. B. No. 70 and C. B. No. 46.

Following message from the council was received:

COUNCIL CHAMBER,
Helena, Montana, March 14, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that H. B. No. 64, an act giving costs in certain cases, has passed the council, and is herewith transmitted.

Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

H. B. No. 64 referred to enrollment committee and ordered enrolled.

On motion of Rea, a recess was taken until 7:30 p. m.

7:30 O'CLOCK P. M.

House resumed.

Mr. Speaker in the chair.

Roll called—quorum present.

Absent on leave—Garrett.

Report of committee on enrollment:

Mr. Speaker: Your joint committee on enrollment beg leave to report C. J. R. No. 18, making an appropriation for the Historical Society of Montana, and C. B. No. 57, an act relating to liens, as correctly enrolled, and are herewith submitted for your signature. GILLETTE, Chairman.

The speaker announced that he was about to sign C. B. No. 57, and C. J. R. No. 18.

Following communication from the council was received:

COUNCIL CHAMBER,
Helena, Montana, March 14, 1889.

Mr. Speaker: I am directed to return to you C. B. No. 60 for your further action, having been introduced by Bickford, as per history of the bill. I am also directed to return to you H. C. R. 13, relating to the publication of laws, which was adopted by the council. Respectfully submitted,

JOHN R. EARDLEY, Chief Clerk.

On motion of Davis further consideration of C. B. No. 60 was indefinitely postponed.

H. C. R. No. 13 was referred to committee on enrollment and ordered enrolled.

Haskell introduced without previous notice, by consent of the house, H. J. R. No. 14, recalling H. B. No. 46 from the governor.

Read first and second times, rules suspended, considered engrossed, read a third time and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Gillete, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Willis, Whitney, Mr. Speaker—23.

Nays—none.

Absent—Garrett—1.

Following message from the governor was received:

EXECUTIVE OFFICE,
Helena, Montana, March 14, 1889.

Gentlemen of the House of Representatives:

I have the honor to inform you that I have this day approved and signed the bill No. 26, which originated in your body, and is entitled an act to amend chapter 22, fifth division of the compiled statutes of Montana, relating to municipal corporations, and amendments thereto, approved Sept. 14, 1887.

Respectfully, P. H. LESLIE.

The following communication from the council was received:

COUNCIL CHAMBER,
Helena, Montana, March 14, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that H. C. R. 14, recalling a certain bill, was adopted by the council, and is herewith transmitted.

Respectfully, JOHN R. EARDLEY, Chief Clerk.

H. C. R. 14, on motion of Haskell, was considered enrolled.

On motion of Haskell, a committee was appointed, consisting of Saxton and Carver, to wait upon his excellency the governor to withdraw house bill 46.

Report of committee on education, labor and federal relations, received as follows:

Mr. Speaker: Your committee to which was referred C. B. No. 49, have had the same under consideration and beg leave to report the same back with recommendation that it be indefinitely postponed.

MURRAY, Chairman.

Moore moved that the report be received and adopted.

Motion prevailed, and C. B. No. 49 was indefinitely postponed.

Communication received from the council as follows:

COUNCIL CHAMBER,
Helena, Mont., Feb. 14, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that C. J. R. No. 20, to provide compensation for additional clerks of sixteenth legislative assembly, was introduced by Hoffman, of special committee, read first time, passed under suspension of rules and is herewith transmitted.

Respectfully,

JOHN R. EARDLEY, Chief Clerk.

C. J. R. No. 20 was read first and second times.

Blakely moved rules be suspended, and C. J. R. No. 20 was read third time by title, placed on its final passage and passed by the following vote:

Ayes—Blakely, Comfort, Congdon, Davis, Flowers, Gillette, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—22.

Nays—none.

Absent—Carver, Garrett—2.

Title agreed to.

Hunt moved that the vote by which H. B. No. 46 was passed be reconsidered.

Motion prevailed.

On motion of Murray, the word "county" in line 3, section 9, was stricken out by the clerk and the word "country" was inserted in lieu thereof.

H. B. 46 was read third time by title and placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Congdon, Davis, Flowers, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pickman, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—21.

Nays—none.

Absent—Comfort, Garrett, Gillette—3.

Title agreed to.

The following communication from the council received:

COUNCIL CHAMBER,

Helena, Montana, March 14, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that H. B. No. 58, an act to prevent the sale of poisonous drugs, etc., has passed the council by the following vote:

Ayes—9.

Nays—1.

Absent—2, and is herewith transmitted.

Respectfully,

JOHN R. EARDLEY, Chief Clerk.

H. B. No. 58 was referred to committee on enrollment and ordered enrolled.

Following message from the council received:

COUNCIL CHAMBER,

Helena, Mont., March 14, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that H. B. No. 44, an act to prohibit lotteries, etc., has passed the council by the following vote:

Ayes—9.

Nays—2.

Absent—1, and is herewith transmitted.

JOHN R. EARDLEY, Chief Clerk.

Report of enrollment committee:

Mr. Speaker: Your committee on enrollment beg leave to report that H. B.'s Nos. 70, 56 and 7; C. B.'s Nos. 46, 57 and 61, and C. J. R. 18, were presented to the governor at 7:50 this p. m., March 14, 1889.

GILLETTE, Chairman.

Mr. Speaker: Your joint committee on enrollment beg leave to report that C. B.'s 43 and 46 and H. B.'s 64 and H. C. R. 13 are correctly enrolled, and are herewith submitted for your signature.

GILLETTE, Chairman.

Speaker announced that he was about to sign C. B.'s 43 and 46, H. B. 64 and H. C. R. 13.

Communication from the council:

Helena, Montana, March 14, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that H. B. No. 41, relating to pawnbrokers and junk-dealers, has passed the council, and the same is herewith transmitted.

JOHN R. EARDLEY, Chief Clerk.

Communication from the council received:

COUNCIL CHAMBER,

Helena, Montana, March 14, 1889.

Mr. Speaker: I am directed by the council to return your honorable body, H. B. No. 46, the amendments to which the council has concurred in.

Also, that H. B. No. 57, to add a section to chapter 42, fifth division, compiled statutes of Montana, was indefinitely postponed by the council. Respectfully,

JOHN R. EARDLEY, Chief Clerk.

H. B. No. 46, with amendments, referred to committee on enrollment.

Report of enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report that H. B. No. 41, relating to pawnbrokers, etc, is correctly enrolled, and is herewith submitted for your signature.

GILLETTE, Chairman.

The following message from the council was received:

COUNCIL CHAMBER,

Helena, Montana, March 14, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that H. B. No. 55, an act to encourage the es-

tablishment of a paper mill, etc., has passed the council by the following vote:

Ayes—10. Nays—2, and is herewith transmitted.

JOHN R. EARDLEY, Chief Clerk.

H. B. No. 55 referred to committee on enrollment and ordered enrolled.

Report of enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report that H. B. No. 58, an act to prevent the sale of certain noxious drugs is correctly enrolled, and is herewith submitted for your signature.

GILLETTE, Chairman.

The speaker announced that he was about to sign H. B. No. 58.

Report of enrollment: committee

Mr. Speaker: Your joint committee on enrollment beg leave to report that C. J. R. No. 20, to provide compensation for additional clerks, and H. B. No. 44, an act to prohibit lotteries, correctly enrolled and are herewith submitted for your signature.

GILLETTE, Chairman.

The speaker announced that he was about to sign C. J. R. No. 20, and H. B. No. 44.

Communication from the council received:

COUNCIL CHAMBER,

Helena, Mont., March 14, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that H. B. No. 29, concerning mortgage, trust and safe deposit and security associations, H. B. No. 61, to amend section 785, fifth division, compiled statutes, H. B. No. 65, to amend section 322, first division, compiled statutes, have been indefinitely postponed by the council and the same are herewith transmitted.

JOHN R. EARDLEY, Chief Clerk.

Haskell introduced without previous notice H. J. R. No. 15, for the compensation of M. K. Childs; read first and second times.

On motion of Haskell, rules were suspended, resolution was considered engrossed, read third time by title and placed on its final passage and passed by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Davis, Flowers, Haskell, Hunt, Johnson, Jones, Joslyn, Moore, Murray, Pick-

man, Rea, Roberts, Saxton, Swiggett, Waite, Whitney, Willis, Mr. Speaker—22.

Nays—none.

Absent—Garrett, Gillette—2.

Title agreed to.

The following communication from the council received:

COUNCIL CHAMBER,
Helena, Montana, March 14, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that H. B. No. 66 was reported back to the council with substitute, which being placed on its final passage was lost by the following vote: Ayes, 4; nays, 8. The bill is herewith transmitted.

JOHN R. EARDLEY, Chief Clerk.

The following message from the governor was received:

EXECUTIVE OFFICE,
Helena, Montana, March 14, 1889.

Gentlemen of the House of Representatives:

I have the honor to inform you that I have approved and this day signed the bill No. 46, which originated in your body, and is entitled an act to provide for the appointment of deputy veterinary surgeons and to suppress and prevent dissemination of scab and contagious diseases among sheep. Also bill No. 7, entitled an act to amend certain sections of an act concerning licenses, approved Sept. 14, 1887. Also bill No. 16, entitled an act to create the office of inspector of mines and to define his duties. Also bill No. 58, entitled an act to prevent the sale of certain noxious drugs. Also bill No. 64, entitled an act giving costs in certain cases, and bill No. 56, entitled an act relating to the compensation of mayors and aldermen of incorporated cities, and authorizing ordinances to be passed regulating the construction of buildings, and H. J. R. entitled H. C. R. No. 13.

Respectfully, P. C. LESLIE.

Report of enrollment committee:

Mr. Speaker: Your joint enrollment committee begs leave to report H. B. No. 55, an act to encourage the establishment of a paper mill, correctly enrolled, and is herewith submitted for your signature.

GILLETTE, Chairman.

The speaker announced that he was about to sign H. B. No. 55.

On motion of Joslyn, the rules were suspended and the clerk

was instructed to read the journal from the slips for the latter part of the session.

On motion of Joslyn, the vote by which the substitute to C. B. No. 18 was passed was reconsidered.

Joslyn moved that the vote by which the substitute was adopted be reconsidered.

Haskell called for the ayes and nays.

Joslyn asked for the call of the house when Gillette and Blakely were found to be absent.

The sargeant-at-arms was instructed to summon the absent members. He said members appeared upon the floor of the house, and Hunt moved that further proceedings under the call of the house be dispensed with.

Motion carried.

Motion to reconsider the vote by which the substitute to C. B. No. 18 was adopted was lost by the following vote:

Ayes—Blakely, Comfort, Congdon, Flowers, Gillette, Hunt, Jones, Joslyn, Roberts, Willis, Mr. Speaker—11.

Nays—Carver, Davis, Haskell, Johnson, Moore, Murray, Pickman, Rea, Saxton, Swiggett, Waite, Whitney—12.

Absent—Garrett.

Haskell moved that further consideration of H. B. No. 18 be indefinitely postponed.

Joslyn moved that the previous question be laid on the table.

Motion lost by the following vote:

Ayes—Blakely, Carver, Comfort, Congdon, Flowers, Hunt, Joslyn, Roberts, Willis, Mr. Speaker—10.

Nays—Haskell, Johnson, Jones, Moore, Murray, Pickman, Rea, Saxton, Swiggett, Waite, Whitney—11.

Absent—Davis, Garrett, Gillette—3.

Original motion of Haskell carried by following vote:

Ayes—Carver, Haskell, Johnson, Jones, Moore, Murray, Pickman, Rea, Saxton, Swiggett, Waite, Whitney—12.

Nays—Blakely, Comfort, Congdon, Flowers, Hunt, Joslyn, Roberts, Willis, Mr. Speaker—9.

Absent—Davis, Garrett, Gillette—3.

The following communication from the council received:

COUNCIL CHAMBER,
Helena, Mont., March 14, 1889.

Mr. Speaker: I am directed by the council to inform your honorable body that H. J. R. No. 15 passed the committee with amendment attached thereto, and is herewith transmitted.

JOHN R. EARDLEY, Chief Clerk.

On motion of Congdon, house concurred in council amendment to H. J. R. No. 15.

H. J. R. No. 15 was referred to committee on enrollment and ordered enrolled.

Report of enrollment committee:

Mr. Speaker: Your joint committee on enrollment beg leave to report that H. J. R. No. 15, providing for the compensation of M. K. Childs and Fanny Vandervoort, is correctly enrolled and is submitted for your signature. GILLETTE, Chairman.

The speaker announced that he was about to sign H. J. R. No. 15.

The following message from the governor was received:

EXECUTIVE OFFICE,
Helena, Montana, March 14, 1889.

Gentlemen of the House of Representatives:

I have the honor to inform you that I have approved and signed the bill which originated in your body, No. 41, and entitled an act to regulate the business of pawnbrokers and junk dealers.

Also, H. J. R. No. 15, entitled H. J. R. for the compensation of M. K. Childs.

Also, bill No. 55, entitled an act to encourage the establishment of a paper mill for the manufacture of paper, and bill No. 44, entitled an act to prohibit lotteries and providing a penalty for violation thereof. Respectfully, P. H. LESLIE.

On motion of Haskell, the chair appointed as a committee to wait upon the governor to enquire whether he had any further communication to make to the house, Messrs. Haskell, Hunt and Johnson.

On motion of Haskell, the chair appointed as a select committee to wait upon the council to enquire whether they had any

further communication to make to the house, Messrs. Saxton, Moore and Murray.

The chairman of the select committee appointed to wait upon the governor reported that the governor has no further communication to make to the house, and has empowered the committee to convey to the house his thanks for the courtesy which has marked their actions towards himself.

The chairman of the committee appointed to wait upon the council report that the council has no further communication to make to the house.

Reports adopted.

A committee from the council consisting of Messrs. Thompson of Silver Bow, and Brown appeared upon the floor of the house to enquire whether the house had any further communication to make to the council.

On motion of Haskell Mr. Murray took the chair.

On motion of Saxton a resolution was passed, tendering to the Hon. Lee Mantle, speaker of the house, the thanks of the house for the able and courteous manner in which he had performed the arduous duties of his office and expressing the high appreciation which the members of the house have for his ability and character.

The speaker resumed the chair.

On motion of Hunt, the clerk was directed to spread upon the journal the substance of the resolution presented by the member from Meagher.

Journal of the sixtieth day read and approved.

The hour of midnight having arrived, the gavel fell and the speaker announced that the house of the sixteenth legislative assembly of Montana was adjourned without a day.

Attest: . BENJAMIN WEBSTER, Chief Clerk.



